

## **TIN MILL PRODUCTS**

**LIGHT-GAUGE DOUBLE-REDUCED ELECTROLYTIC TIN PLATE IN 49 POUND BASE BOX AND BELOW (X-083.C1.A)**

**SUMMARY**

<b>Revision</b>	<ul style="list-style-type: none"> <li>• Our initial request was for 55 lb base box and below. BSC and NCS responded that they could produce material in 55 lb base box and lighter; all other U.S. producers do not object to the exclusion of this product with a thickness of 49 lbs per base box and less.</li> <li>• Our revised request is divided in two:             <ul style="list-style-type: none"> <li>○ <i>X-083.C1a.</i> Products with a thickness of 49 lbs per base box and less (for which there are no U.S. producers, and no objection)</li> <li>○ <i>X-083.C1b.</i> Products with a thickness of 50 lbs per base box (which we argue also cannot be produced domestically)</li> </ul> </li> </ul>
<b>Use</b>	<ul style="list-style-type: none"> <li>• Primarily used in the production of DRD cans.</li> </ul>
<b>Product Characteristics</b>	<ul style="list-style-type: none"> <li>• Light-gauge double-reduced electrolytic tin plate in 49 pound base box and below is made to ASTM A623 type MR specifications and is imported under HTS numbers 7210.12.0000 and 7210.50.0000.</li> <li>• This product is double-reduced electrolytically coated steel with tin and/or chromium with a thickness of 49 pounds or less per base box and a tensile strength between 80,000 and 83,000 psi. These are extremely thin tin products manufactured through reduction on a DR temper mill following cold-rolling. The DR8 quality mechanical properties are critical for customers.</li> </ul>
<b>Total Quantity Imported in 2000</b>	<ul style="list-style-type: none"> <li>• None (Usinor currently in qualification trials; expects to import based on future orders.)</li> </ul>
<b>Is this product produced by U.S. mills?</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>
<b>Will this product be used in place of other current imports?</b>	<ul style="list-style-type: none"> <li>• Because of its high price and unique applicability, this product is not competitively substituted for any other product.</li> </ul>
<b>Can this product be specifically identified for Customs purposes?</b>	<ul style="list-style-type: none"> <li>• This product is identifiable for Customs purposes by its physical properties.</li> </ul>

## REVISED EXCLUSION REQUEST

- (a) **The designation of the product under a recognized standard or certification (e.g., ASTM, DIN), or the commercial name for the product and the HTS number under which this product enters the United States;**

Light-gauge double-reduced electrolytic tin plate in 49 pound base box and below is made to ASTM A623 type MR specifications and is imported under HTS numbers 7210.12.0000 and 7210.50.0000.

- (b) **A description of the product based on physical characteristics (e.g., chemical composition, metallurgical properties, dimensions, surface quality) so as to distinguish the product from products for which exclusion is not sought;**

This product is double-reduced electrolytically coated steel with tin and/or chromium with a thickness of 49 pounds or less per base box and a tensile strength between 80,000 and 83,000 psi. These are extremely thin tin products manufactured through reduction on a DR temper mill following cold-rolling and are primarily used in the production of DRD cans. The DR8 quality mechanical properties are critical for customers.

- (c) **The basis for requesting an exclusion;**

There are no U.S. producers of this product.

- (d) **The names and locations of any producers, in the United States and foreign countries, of the product;**

There are no U.S. producers of this product.

- (e) **Total U.S. consumption of the product, if any, by quantity and value for each year, from 1996-2000, and projected annual consumption for each year from 2001-2005, with an explanation of the basis for the projection;**

Response contains confidential information. *See* original submission, November 13, 2001.

- (f) **Total U.S. production of the Product for each year from 1996-2000, if any;**

None.

- (g) **The identity of any U.S. produced substitute for the product, total U.S. production of the substitute for each year from 1996 to 2000, and the names of any U.S. producers of the substitute.**

We are unaware of any U.S.-produced substitute for this product. Domestic producers do not cite to any U.S.-produced substitutes.

- (h) **Parties supporting this request.**

Sonoco Products Company (*See attached*)

Berlin Metals (*See attached*)

Dana Corporation (*See attached*)

**(i) Contact Person.**

For any questions regarding this request, please contact:

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Chairman of the Commission  
U.S. International Trade Commission  
500 E Street S.W.  
Washington, DC 20436

October 17, 2001

Dear Sir,

With Section 201 of the Federal Trade Act continuing to loom, we want to make sure that our government understands the importance of the products that we are purchasing from Usinor. Below is some information about Sonoco, the products that we purchase from Usinor and the importance of being able to receive innovative products from mills such as Usinor.

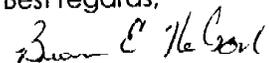
Sonoco, founded in 1899, is a \$2.7 billion manufacturer of industrial and consumer packaging products and provider of packaging services, with approximately 295 operations in 33 countries serving 85 nations. Sonoco uses tin mill products in the manufacture of metal ends or closures such as those used on frozen juice concentrate and Pringles composite cans.

In the manufacture of composite cans, Sonoco competes with many forms of packaging such as flexible pouches and plastics. Flexible packaging and plastics compete with composite cans with their ability to offer novel shapes and opening features. They are also very price competitive with a composite can. For this reason Sonoco must continue to strive to lower the cost of our total package. Since the metal end(s) represent a significant portion of our total package cost, we are working to lightweight the ends and drive down costs. Thin gauge DR (Double Reduced) metal is available in the United States down to 55# basis weight but DR metal and its high temper strength can create significant runability issues when trying to attach the closure onto a paperboard composite can. Because of the high temper strength of DR metal, Sonoco is limited on many of our products to the use of the lower temper SR (Single Reduced) metals. Unfortunately mills in the United States are limited in their ability to produce lighter gauge, single reduced metals. Domestic mills are limited to 70# basis weight and in some cases, the bottom end is 73# for single reduced steel. It is for this reason that we rely on foreign mills to be able to produce lightweight 65# SR or lower tin mill products. Should this material become unavailable to Sonoco as a result of 201, we will be forced to up-gauge our metal and will find it difficult to compete with alternative packaging materials.

Usinor and other non-domestic sources of tin-plate continue to be Sonoco's best source of innovative steel solutions. We rely on Usinor to help our government understand the importance of having these innovative solutions and abilities available to Sonoco.

Please let us know if Sonoco can be of any assistance in communicating this information.

Best regards,



Brian Nelson

Senior Procurement Specialist  
Sonoco Products Company  
North Second Street  
Hartsville, SC 29550

Date: January 4, 2002

Re: Availability of wide widths of Tin Plate and Black Plate

From: Roy Berlin, President of Berlin Metals LLC

To: United States Trade Representative

Electronic Mail

[fr001@ustr.gov](mailto:fr001@ustr.gov)

PUBLIC DOCUMENT

Berlin Metals LLC is a steel service center specializing in the processing of wide coils into narrow coils for various industries such as automotive, telecommunication, cookware, computer, etc. in the US. The majority of products that we purchase from steel mills to process for our customers are Tin Mill Products. Tin Mill Products primarily consist of uncoated, light gauge Cold Rolled Steel commonly called "Black Plate", this same Black Plate electrolytically coated with tin, referred to as Tin Plate, and this same Black Plate electrolytically coated with chrome, referred to as Tin Free Steel or TFS. Tin Mill Products have had an affirmative injury ruling by the ITC in the Section 201 proceedings with a recommended tariff of 20% to be imposed.

Our company has contacted all the steel mills in the US who are able to produce Tin Mill Products to ask them again to quote a price to make the products we require for our customers. On November 1, 2001 we sent letters to the following companies, with follow up telephone calls when necessary, asking them to advise us if they can produce material outside the normal published widths to meet the requirements of some of our automotive gasket, radiator and other customers. Among the products for which production was requested are tin mill products meeting ASTM standard A 623-00, including electrolytic tin plate and tin mill black plate. The requests for these materials covered a range of widths. The companies contacted and their answers are summarized below.

**Bethlehem Steel**

Bethlehem's representative replied that Bethlehem Steel could not produce any of the widths we inquired for.

**National Steel**

National's representative replied that National Steel could not produce any of the widths we inquired for.

**Nippon Steel America (NSA), sales agents for Ohio Coatings Company (OCC)**

To date, we have not received an answer to our facsimile or telephone call to NSA. We can only assume that the mill is unable to provide the specifications we require.

Date: January 4, 2002

Re: Availability of wide widths of Tin Plate and Black Plate

From: Roy Berlin, President of Berlin Metals LLC

To: United States Trade Representative

Via Electronic Mail

[fr001@ustr.gov](mailto:fr001@ustr.gov)

PUBLIC DOCUMENT

Page 2

**USS-Posco**

USS-Posco's representative stated that all of the widths we inquired for were outside USS Posco's limits.

**US Steel**

To date, we have not received an answer to our facsimile or telephone call to US Steel. We can only assume that the mill is unable to provide the specifications we require.

**Weirton Steel**

Weirton's representative indicated that Weirton would accept a trial order for the following 2 items and would not be able to produce the other items we inquired for. We did enter trial orders for:

Black Plate, 75 BW (.0083" nom.), T-4, Matte Finish, 40.75" X Coil

Tin Plate, 135 BW (.0149 nom.), T-1, 25 Coating, Matte Finish, 38.875" X Coil

**Wheeling Pittsburgh Steel (WP)**

Wheeling Pittsburgh's representative indicated that WP could only produce the following item:

Black Plate, 112 BW (.0123 nom.), T-2, Matte Finish, 42" X Coil

Based on the above, we renew our urgent request for exclusions of wide width material in both the Section 201 case on Tin Mill Products and the Anti-dumping investigation of Cold Rolled Steel imports. These wider widths are, with scant exception, outside the everyday capabilities of all of the US producers of Tin Mill Products.

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Roy Berlin



January 9, 2002

**VIA OVERNIGHT MAIL /**  
**VIA E-MAIL TO: fr0001@ustr.gov AND astephens@ustr.gov**

Ms. Gloria Blue  
Executive Secretary, TPSC  
Office of the U.S. Trade Representative  
602 Seventeenth Street, N.W.  
Washington, D.C. 20508

Re: **Exclusion Request Concerning Potential Action Under Section 203 of the Trade Act of 1974 With Regard to Imports of Certain Steel from Japan**

Dear Ms. Blue:

This letter is filed by Berlin Metals, LLC to request that the Trade Policy Staff Committee ("TPSC") recommend excluding several items of Tin Mill Products, classified under ASTM A 623-00, A 624-98, A 625-98 and A 657-98 from the scope of any action that the President may take under Section 203 of the Trade Act of 1974. The attached table, labeled "Appendix A", lists these items with their common names, Harmonious Tariff System Numbers, Thicknesses, Formal Names, ASTM Designations, etc.

To the best of our knowledge, these items are not available from any domestic steel mill because they are either too wide or too thin for the domestic mills' equipment to produce. As explained below, these steel products are very important to Berlin Metals and to Berlin's customers' manufacturing operations. Berlin Metals understands that the action the President could take under Section 203 of the Trade Act of 1974 could last up to five years and that there may be no procedure to request exclusions once the President takes action in early 2002. Accordingly, Berlin Metals is concerned with obtaining an exclusion for these items due to the unavailability of these products. In addition, the thinner items, .0072 and .0066 inches thick, remain in the scope of the 201 even after thicknesses 0.0045," 0.0050," 0.0061," and 0.0072" of this product in other Tempers were all

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<http://www.berlinmetals.com>



excluded from both the Cold Rolled anti-dumping cases filed before and after the current 201 was initiated!

The products for which Berlin Metals seeks exclusion are commonly referred to as Black Plate, Tin Plate and Tin Free Steel, all under a general heading of "Tin Mill Products". Our letter is intended to emphasize the need to exclude these products in the thicknesses and widths indicated on the attached Appendix from the scope of any remedy issued as a result of this Section 203 proceeding.

Below we provide an overview of Berlin Metals operations, number of employees, significance of our company to the United States marketplace and economy, steel product requirements, commitment to domestic sourcing of our steel requirements, and the possible harm to our company if we are unable to obtain these products for use in our operations and re-sale to our customers.

#### 1. Berlin Metals' United States Operations

Berlin Metals has been in existence since 1967. Berlin Metals conducts operations at a facility located in Hammond, Indiana, where the company functions as a Service Center distributor of prime Tin Mill Products (Tin Plate, Black Plate, TFS, Tin Coated Sheet) in slit coil form in North America. Additionally, Berlin Metals provides stainless steel strip, galvanized, light gauge cold rolled sheet and strip, and other coated steels in coil form. Further, Berlin has over 5 other stocking locations in the US to service customers nationwide. Berlin Metals sells the material referenced in the Appendix to various customers such as Federal Mogul Corporation, Dana Corporation, Ingersoll-Rand, etc., who make a diverse number of products such as engine gaskets, radiator fins, bakeware, cellular telephones, etc. Berlin's facilities reflect a total capital investment of \$15 million and employ approximately 75 persons.

In calendar year 2001, Berlin Metals produced approximately 100,000,000 (one hundred million) pounds of slit Tin Mill Products.

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Berlin has been an employer for many years in Northwest Indiana consistently contributing to the local economy.

**2. Berlin Metals' Steel Input Requirements and Purchasing Experiences**

For our customers to manufacture automobile engine gaskets and other products, Berlin Metals must be able to purchase the Tin Mill Products listed in the Appendix. The use of these products is required for our customers to make the parts they sell to Ford, Chrysler, General Motors, Motorola and others. If our customers were unable to make their products because the base steel was not available, their customers would then have no choice but to buy these components from overseas companies who could buy this steel. In calendar year 2001, Berlin Metals purchased more than 1,000 tons of the Tin Mill Products listed on the for processing and re-sale to our customers in manufacturing auto gaskets, radiator fins, etc. Of this total amount, zero percent was obtained from United States domestic producers, with the remaining amounts purchased from France, Germany and Japan.

Berlin Metals does not purchases these Tin Mill Products listed on the from any U.S. mills because it is unavailable in the US as the United States producers do not have the technical or physical capability – or interest-- to produce the steel product at issue in sufficient quantities, meeting strict product tolerances, with acceptable qualities, in the required varieties.

Berlin Metals has been in regular and direct contact with sales representatives of all the domestic producers of Tin Mill Products for the last several years to try and place orders for the Tin Mill Product items shown on the attached Appendix without success. Our last attempts to procure these items were made in the last 3 months. The only Tin Mill Product producers in the US are Bethlehem Steel, National Steel, Ohio Coatings (Tin Plate only), USS Posco, US Steel and Wheeling Pittsburgh Steel (black plate only).



**3. Potential Harm to Berlin Metals if Unable to Obtain Wide Tin Mill Products and Thin Tin Mill Products from overseas Suppliers.**

As noted above, to the best of our knowledge, none of the very wide or very thin Tin Mill Products shown on the attached Appendix are available from any United States steel company. As explained below, Berlin Metals has significant concerns regarding the potential adverse impact on its operations, if it were unable to import these products in the future.

It would be disruptive to Berlin Metals' customer operations if its access to imported these wide and or thin Tin Mill Products were restricted. Specifically, such restrictions would likely have an immediate and negative impact on our operations and employees. Our company could be forced to significantly decrease our employment by 25% due to the inability to obtain wide and or thin Tin Mill Products because of quotas.

For the reasons identified above, it is essential that Berlin Metals have continued access to these wide and thin Single Reduced Tin Plate, Black Plate and Tin Free through an exclusion from any Section 201 import restrictions imposed by the President. Berlin Metals needs an exclusion for all the items listed on our Appendix from any Section 201 relief to avoid seriously disrupting its operations and adversely impacting the livelihood of its employees. Accordingly, Berlin Metals requests that these product be excluded from any remedy recommended in this investigation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Roy Berlin", is written over a horizontal line.

Roy Berlin, President

Attachment: Appendix A

**APPENDIX "A"**

Request for Exclusion on 201: List of Wide and or Thin Single Reduced Tin Mill Products Not Available in the US

Common Name	Harmonious Tarril System Number	Base Weight	Nominal Thickness (inches)	Temper Designation	Formal Name and ASTM designation	Width (inches)	End Use	Comments
Black Plate	7209.18.2500	60	.0066	Single Reduced, T-1 to T-5	Tin Mill Black Plate: A 623-00 & A 625-98	Any	Engine Gaskets	We have given inquiries to all the domestic mills and none can provide this material
Black Plate	7209.18.2500	65	.0072	Single Reduced, T-1 to T-5	Tin Mill Black Plate : A 623-00 & A 625-98	Any	Engine Gaskets, Pencil Ferrules, etc.	We have given inquiries to all the domestic mills and none can provide this material
Black Plate	7209.18.2500	70 to 128	.0077 to .0141	Single Reduced, T-1 to T-5	Tin Mill Black Plate : A 623-00 & A 625-98	wider than 40"	Engine Gaskets, Radiator Fins, other	We have given inquiries to all the domestic mills and none can provide this material
Tin Plate	7210.12.0000	60	.0066	Single Reduced, T-1 to T-5	Electrolytic Tin Plate: A 623-00 & A 624-98	Any	Engine Gaskets, other	We have given inquiries to all the domestic mills and none can provide this material
Tin Plate	7210.12.0000	65	.0072	Single Reduced, T-1 to T-5	Electrolytic Tin Plate: A 623-00 & A 624-98	Any	Engine Gaskets, cell phone shields, other	We have given inquiries to all the domestic mills and none can provide this material
Tin Plate	7210.12.0000	70 to 135	.0077 to .0149	Single Reduced, T-1 to T-5	Electrolytic Tin Plate: A 623-00 & A 624-98	wider than 36"	Engine Gaskets, other	We have given inquiries to all the domestic mills and none will provide this material. One mill is "listed" as capable to 40" but is not interested in the business as trial orders failed to make the parts.
Tin Free Steel (TFS)	7210.50.3000	70 to 180	.0077 to .020	Single Reduced, T-1 to T-5	Electrolytic Chromium-Coated Black Plate: A 623-00 & A 657-98	wider than 36"	Engine Gaskets, Bakeware, other	We have given inquiries to all the domestic mills and none can provide this material



AFFIDAVIT

City of Hammond) )  
State of Indiana) S.S.

I, Roy Berlin, President of Berlin Metals LLC, a steel service center, established in 1967 and located in Hammond, Indiana with an additional processing facility in Salt Lake City, Utah, do hereby attest that the following is a true and accurate explanation of why it is important that our company's ability to continue to buy certain wider width coils from overseas steel mills not be limited by any Section 201 or anti dumping actions.

Our company purchases large quantities of low carbon, flat rolled steel coils from high quality steel mills in the US and overseas. More specifically, the majority of our purchases fall within the product group called "Tin Mill Products" (TMP) which consists of Electrolytic Tin Plate (ETP) and Tin Mill Black Plate (TMBP). TMBP is essentially light gauge (less than .015" thick) Cold Rolled and for the purposes of import/export tariff classification, TMBP is grouped with Cold Rolled Steel.

We take these steel coils and, following our customers' specific requirements, cut them into narrower coils with a tolerance of less than .005" (5 thousandths of an inch). Our customers are manufacturers in the automotive, computer, telecommunication, hardware and packaging industries. They use our steel in a stamping, draw forming or roll forming operation to produce a diverse number of products such as engine gaskets, oil filters, radiator fins, paint trays and telephone cable. Our customers include such companies as Federal Mogul, Dana Corporation and Arvin Meritor.

Our customers' specifications require the steel to be a very specific combination of thickness, hardness, coating, finish and width. When we buy steel coils from overseas, it is usually because the material is not available in the US. Much of this lack of availability in the US relates to the width.

For ETP, no mill in the US, except one, has the ability to make anything wider than 37 1/2 inches, due to the physical limit of their tin plating lines. Mills in France, Germany, Holland, England and Korea have the physical ability to produce ETP as wide as 48". The one US mill that can produce wider than 37 1/2" can go to 39", but the ETP they supply has failed to make our customers parts where deep drawing is required. As a result, this mill will not accept an order for this drawn application.



For TMBP with a Rockwell hardness maximum of 61 or less on the 30T scale (Temper "T-1", "T-2" and "T-3"), US mills cannot produce material wider than 40", due to the operational limits on their Temper rolling mill with this thinner material. For TMBP with a Rockwell hardness minimum of 57 or greater on the 30T scale (Temper "T-4 and "T-5"), US mills cannot produce material wider than 37-38" due to the physical limits on their continuous annealing lines. The same overseas mills mentioned above are able to physically produce material up to 48" wide.

The reason these wider widths are necessary is because many of our customers stamp parts requiring coil widths of 18 1/2" to 23 3/4". The US mills have said that they will not accept orders for material that is this narrow as it gives uneven wear to their rolls and is extremely inefficient for their production. Nor, as is explained above, can they physically make material that is 2 times these widths. We order the coils from the overseas mills mentioned above who are able to produce coils that are 2 times the width our customers require. We then slit these wider coils into half, providing the exact widths specified by our customers.

It is imperative that these wider widths be exempted from any limiting action, whether it be 201 or anti-dumping. We would not have material to be able to supply to our customers who then would face the choice of either losing the business to overseas manufacturers of these parts or moving their own manufacturing of these parts to their own overseas facilities. In either case, there would be harm to our company and to other employees in the US who work in manufacturing.

A handwritten signature in black ink, appearing to read "Roy Berlin", written over a horizontal line.

Roy Berlin

Subscribed and sworn to before me this 25<sup>th</sup> day of October, 2001.

A handwritten signature in black ink, appearing to read "Phyllis Brunsting", written over a horizontal line.

Notary Public



**BARNES, RICHARDSON & COLBURN**

ATTORNEYS & COUNSELLORS AT LAW

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January 4, 2002

Ms. Gloria Blue  
Executive Secretary  
Trade Policy Staff Committee  
Office of the USTR  
600 17<sup>th</sup> Street, NW  
Washington, DC 20508

**VIA ELECTRONIC MAIL**

[fr0001@ustr.gov](mailto:fr0001@ustr.gov)

**PUBLIC DOCUMENT**

Re: Written Comments Filed On Behalf of Dana Corporation Concerning What Action the President Should Take Under Section 203(a) of the Trade Act Regarding Imports of Certain Steel (TA-201-73)

Dear Ms. Blue:

This submission is filed on behalf of the Victor Reinz Division of Dana Corporation ("Dana") pursuant to the Federal Register notice entitled Trade Policy Staff Committee: Public Comments on the Potential Action Under Section 203 of the Trade Act of 1974 With Regard to Imports of Certain Steel, 66 Fed. Reg. 54321 (October 26, 2001), and its amendments found at 66 Fed. Reg. 59599 (November 29, 2001) and 66 Fed. Reg. 67349 (December 28, 2001). In specific, Dana believes that the President should take no action under § 203(a) of the Trade Act as it applies to imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches.

Dana produces gaskets for major automotive original equipment manufacturers. These gaskets are produced from stampings in widths ranging from 18.500 inches to 23.750 inches (plus relevant tolerances). However, mills will not produce strips of this material in widths as narrow as those used to make the stampings. Therefore, Dana has been forced to purchase material that is

double the width of the gaskets and have the material slit to the appropriate width. Therefore, Dana purchases tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches.

Dana believes that the President should impose no remedy against imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches for two related reasons. First, Dana has not been able to source the vast majority of this material in the United States. There are very few mills in the United States that have the capability of producing electrolytic tin plate to a width of 37.5 inches. It is unclear that those few mills that can produce any of this material are able to produce the material to Dana's requirements and standards. Similarly, for the majority of Dana's use of tin mill black plate, the maximum widths available from United States mills will not allow Dana to produce its customers' gaskets in a cost-effective manner. Please see the submission of Berlin Metals LLC setting forth the extremely limited sourcing options for any of this material.

Further, Dana believes that the President should impose no remedy on this product because the finished product made from these tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width greater than 37.5 inches, plus or minus tolerances of 0.005 inches is Dana's sole option by which to produce merchandise in a commercially feasible manner. Dana is a major supplier to the large automotive manufacturers, and to severely disrupt the supply of this material where there either are extremely limited or no alternative domestic sourcing options simply puts end users and manufacturers using this material at risk of harm without assisting the United States steel industry. If the supply of this material were disrupted for a significant period of time, Dana would be unable to produce the gasket stampings made with this merchandise, and all of the major United States automobile manufacturers would have their production severely disrupted. The ripple effect of such action could affect multiple facilities and hundreds or thousands of American workers.

Third, Dana notes that there is no available substitute for the use of these coils in the required configuration. The tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width greater than 37.5 inches, plus or minus tolerances of 0.005 inches, as mentioned above, represent Dana's sole option by which to produce merchandise in a commercially feasible manner. There is simply no merchandise Dana could substitute that could be used as an alternative to this material. This lack of any viable substitute is a condition of competition in the United States and global steel industries which severely limits Dana's sourcing options for this material.

Finally, the domestic industry has advocated creating a "short supply" system as an alternative to granting exclusions from the scope of the case, or requesting that the President impose no remedy on certain products. This suggestion does not replace the need for exclusions or not imposing remedies. First, the business uncertainty of applying a short-supply system to imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches would severely disrupt Dana's ability to plan its business activities. In effect, this would be inequitably

imposing another burden on a company that is largely unable to purchase the material in question in the United States. Therefore, Dana requests that if no exclusion from the scope of this § 201 case is granted for the merchandise in question, a "short supply" mechanism not be utilized in lieu of recommending that the President impose no remedy on imports of this merchandise.

Thank you for your attention to this matter. Please feel free to contact us if you have any questions regarding this matter.

Very truly yours,

**BARNES, RICHARDSON & COLBURN**

By: *Kazumune V. Kano/DG7*

Kazumune V. Kano  
David G. Forgue

DAN 137  
DGF/atj

**BARNES, RICHARDSON & COLBURN**

ATTORNEYS & COUNSELLORS AT LAW

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January 4, 2002

Ms. Gloria Blue  
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PUBLIC DOCUMENT

Re: Written Comments Filed On Behalf of Dana Corporation Concerning What Action the President Should Take Under Section 203(a) of the Trade Act Regarding Imports of Certain Steel (TA-201-73)

Dear Ms. Blue:

This submission is filed on behalf of the Victor Reinz Division of Dana Corporation ("Dana") pursuant to the Federal Register notice entitled Trade Policy Staff Committee: Public Comments on the Potential Action Under Section 203 of the Trade Act of 1974 With Regard to Imports of Certain Steel, 66 Fed. Reg. 54321 (October 26, 2001), and its amendments found at 66 Fed. Reg. 59599 (November 29, 2001) and 66 Fed. Reg. 67349 (December 28, 2001). In specific, Dana believes that the President should take no action under § 203(a) of the Trade Act as it applies to imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate over particular widths. In specific, Dana seeks to have no remedy imposed on imports of tin plate meeting all of the elements of the definition above, but with a width greater than 38.875 inches, plus or minus tolerances of 0.005 inches. In addition, Dana seeks to have no remedy imposed on imports of black plate meeting all of the elements of the definition above, but with a width greater than 42.000 inches, plus or minus tolerances of 0.005 inches.

Dana produces gaskets for major automotive original equipment manufacturers. These gaskets are produced from stampings in widths ranging from 18.500 inches to 23.750 inches (plus relevant tolerances). However, mills will not produce strips of this material in widths as narrow as those used to make the stampings. Therefore, Dana has been forced to purchase material that is double the width of the gaskets and have the material slit to the appropriate width. Therefore, Dana purchases tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches.

Dana believes that the President should impose no remedy against imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate in the width ranges set forth above. First, Dana is not been able to source this material in the United States. As discussed in the submission made by Berlin Metals LLC regarding the availability of wide width tin plate and black plate, domestic producers of tin mill products are not able to produce the material subject to this request. Therefore, no portion of the United States industry would be protected if a remedy were imposed on these imports. This is true for both tin plate and black plate materials.

Further, Dana believes that the President should impose no remedy on this product because the finished product made from these tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate within the width ranges discussed above is Dana's sole option by which to produce merchandise in a commercially feasible manner. Dana is a major supplier to the large automotive manufacturers, and to severely disrupt the supply of this material where there either are no alternative domestic sourcing options simply puts end users and manufacturers using this material at risk of harm without assisting the United States steel industry. If the supply of this material were disrupted for a significant period of time, Dana would be unable to produce the gasket stampings made with this merchandise, and all of the major United States automobile manufacturers would have *their* production severely disrupted. The ripple effect of such action could affect multiple facilities and hundreds or thousands of American workers.

Third, Dana notes that there is no available substitute for the use of these coils in the required configuration. The tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate within the width ranges discussed above represent Dana's sole option by which to produce merchandise in a commercially feasible manner. There is simply no merchandise Dana could substitute that could be used as an alternative to this material. This lack of any viable substitute is a condition of competition in the United States and global steel industries which severely limits Dana's sourcing options for this material.

Finally, the domestic industry has advocated creating a "short supply" system as an alternative to granting exclusions from the scope of the case, or requesting that the President impose no remedy on certain products. This suggestion does not replace the need for exclusions or not imposing remedies. First, the business uncertainty of applying a short-supply system to imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate within the width ranges discussed above would severely disrupt Dana's ability to plan its business activities. In effect, this would be inequitably imposing another burden on a company that is unable to purchase the material in question in the United States. Therefore, Dana requests that

if no exclusion from the scope of this § 201 case is granted for the merchandise in question, a "short supply" mechanism not be utilized in lieu of recommending that the President impose no remedy on imports of this merchandise.

Thank you for your attention to this matter. Please feel free to contact us if you have any questions regarding this matter.

Very truly yours,

**BARNES, RICHARDSON & COLBURN**

By:

*Kazumune V. Kano/dg7*

Kazumune V. Kano  
David G. Forgue

DAN 137

**BARNES, RICHARDSON & COLBURN**

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February 1, 2002

**PUBLIC VERSION**

Gloria Blue  
Executive Secretary  
Trade Policy Staff Committee  
Office of the United States Trade Representative  
600 Seventeenth Street, N.W.  
Washington, DC 20508

VIA ELECTRONIC MAIL

FR0001@ustr.gov

**PUBLIC VERSION**

Re: Written Comments Filed on Behalf of Dana Corporation in Response to Domestic Parties Comments dated January 18, 2002 Concerning What Action the President Should Take Under Section 203(a) of the Trade Act Regarding Imports of Certain Steel (TA-201-73)

Dear Ms. Blue:

This submission is filed on behalf of Dana Corporation pursuant to the Federal Register Notice entitled Trade Policy Staff Committee; Public Comments on the Potential action Under Section 203 of the Trade Act of 1974 With Regard to Imports of Certain Steel, 66 Fed. Reg. 54321 (October 26, 2001), modified at 66 Fed. Reg. 59599 (November 29, 2001), and 66 Fed. Reg. 67349 (December 28, 2001). Specifically, Dana wishes to respond to certain domestic producer's objection to the exclusion of Dana's product Hot Rolled Steel Coils as well as other products to which no domestic producers have commented in Domestic Producers submission of January 18, 2002.<sup>1</sup>

Pursuant to 15 CFR 2003.6, Dana requests that certain information contained in this submission be treated as business confidential and not disclosed to the public. The specified information constitutes trade secrets, and commercial and financial information the disclosure of which is not authorized by Dana. In addition, in some instances, the information is confidential in the original document cited by Dana, and the confidentiality claim herein is derived entirely

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<sup>1</sup> Dana will not be commenting on those products for which it requested exclusion and to which the Domestic Producers have specifically stated that they do not object to the exclusion, provided U.S. suppliers cannot produce them. These products include Cold-Rolled Carbon Steel Strip with Aluminum Cladding on Each Side (X-104.ex1), ASTM A 463 DDS-Aluminized Steel (X-104.ex2 & X-067), and Aluminum Clad Steel Strip in Coils (X-104.ex3 & X-107).

## PUBLIC VERSION

from that of the original submitting party. In those cases, Dana is unable to include the bracketed material in the confidential version of its submission, since Dana does not have access to the original confidential version.

### I. PRODUCTS

#### A. Hot-Rolled Steel Coils (recorded as X-104-ex.4)

On November 13, 2001, Dana filed a request with the USTR to exclude hot rolled roils with a width of 76.500 inches, plus or minus tolerances of +0.250/-0.000, from these Section 201 proceedings (recorded as X-104-ex4). On November 27, 2001 and January 4, 2002, Dana filed additional responses requesting this merchandise to be excluded from relief under §203 (ER-023) or that no remedy be imposed. Dana explained in these previous submissions that it had no viable domestic sourcing option for this merchandise, and therefore, exclusion of the merchandise from the scope of this case was appropriate. Dana also provided evidence in its previous submissions that all domestic producers believed capable of making this material were unable and/or unwilling to meet Dana's order for the material. Finally, Dana requested that in the event the product is not excluded from the scope of this case, the President take no action against imports of hot rolled coils with a width of 76.500 inches or greater.

In response to the latest comments submitted by the a group of major United States producers of steel on January 18, 2002, Dana hereby reiterates its request for the exclusion or no remedy of this product. Despite the clear and convincing evidence which Dana previously submitted, the domestic producers have objected to the exclusion of the product on the basis that it can be produced by LTV and National Steel Corporation ("NSC").

As stated in our submission of January 4, 2002, we believe the basis for the objection to the exclusion of these hot rolled steel coils to be invalid. First, [ ] is in bankruptcy proceedings and will have to shutdown and sell all integrated steel assets pursuant to an order issued by the U.S. Bankruptcy Court on December 7, 2001. Therefore, [ ] can no longer be considered a viable United States source that markets this steel meeting the definition above.

Even assuming that [ ] was able to stay in operation, neither [ ] nor [ ] appear to be a viable source of this product for Dana. Please find the attached Exhibit 1, in which we are resubmitting copies of correspondence received from [ ] and [ ] concerning Dana's requests to produce the material. Both companies responded to the requests by stating that [ ]. These statements are contrary to the assertions in the Domestic Industry Response submitted to the USTR on January 18, 2002, and show that [ ]

].

Again, Dana fully supports the position of the domestic industry position that "if the domestic industry cannot produce a particular product, such product can properly be excluded from the scope since applying a remedy to such an item would not address the injury sustained nor facilitate the industry." This rationale applies equally well in the context of the remedy the President should impose on a product. However, Dana strongly opposes the notion that remedies should be applied in cases where the domestic industry is technically capable to producing a product, but for a variety of reasons chooses not to produce the product.

To extend remedies to include this situation would only injure a major domestic automotive component manufacturer which employees tens of thousands of American workers and provide absolutely no benefit to the domestic steel industry as well as other United States steel consumers.

Dana has vigorously attempted to procure domestic production of this product from several domestic producers, and would purchase such steel from domestic purchasers if it were available. Because the domestic steel industry has clearly indicated to Dana that they cannot or will not provide the material, Dana again respectfully requests that these hot rolled steel coil products with a width of 76.500 inches or greater, plus or minus tolerances of +0.250/-0.000, be excluded from remedy or that the President take no action against these imports.

**B. Various Tin Mill Products Meeting ASTM standard A623-00**

On January 4, 2002, Dana submitted to the USTR comments regarding what actions the President should take under Section 203(a), in which it requested that no remedy be applied to the imports of three specific tin mill products. Because no domestic industry has specifically commented on these requests, Dana hereby resubmits its request with regard to these products.

Specifically, Dana requests that no remedy be imposed on tin mill products which meet ASTM standard A623-00, including electrolytic tin plate and tin mill black plate. The three products all meet these elements, and are more specifically described as follows:

1. ASTM A623-00, including electrolytic tin plate and tin mills black plate with a width greater than 37.5 inches (plus or minus 0.005 inches);
2. ASTM A-623-00, including electrolytic tin plate with a width greater than 38.875 inches (plus or minus 0.005 inches); and
3. ASTM 623-00 including tin mill black plate with a width greater than 42.00 inches (plus or minus 0.005 inches)

Dana uses these materials for the production of gaskets for major automotive equipment manufacturers. These gaskets are produced from stamping in widths ranging from 18.500 inches to 23.750 inches (plus relevant tolerances). However, mills will not produce strips of this material in widths as narrow as those used to make the stampings, thereby forcing Dana to purchase material that is double the width of the gaskets and have the material slit to the appropriate width.

Dana believes that the President should impose no remedy against importers of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate in the width ranges set forth above. First, Dana has not been able to source this material in the United States. As stated in the submission made by Berlin Metals LLC regarding the availability of wide width tin plate and black plate, domestic producers of tin mill products are not able to produce the material subject to this request. Therefore, no portion of the United States industry would be protected in a remedy were to be imposed on these imports. This is true for both tin plate and black plate materials.

There is no available substitute for the use of these coils in the required configuration. The tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate in the width ranges discussed above, represent Dana's sole option by which to produce merchandise in a commercially feasible manner. There is no merchandise which Dana could substitute that could be used as an alternative to this material. This lack of any viable substitute is a condition of competition and global steel industries which severely limits Dana's sourcing options for this material.

Finally, it should be noted that while the domestic industry has not commented on Dana's requests to seek no remedy for these tin mill products, these products are of equivalent chemistry and gauge as a tin mill product submitted for exclusion by Collier Shannon Scott on behalf of Maui Pineapple Company on November 13, 2001. Both the Domestic Producers submission of January 18, 2002 and the Minmill Coalition submission of January 21, 2002 have stated that there are no objections to the exclusion of Maui Pineapple's products from any remedy imposed provided that no U.S. supplier could produce it.

Dana reiterates its position that no remedy is appropriate for this material for two related reasons. First, Dana has not been able to source this material in the United States, and is of the belief that no domestic mill manufactures this material. While there are mills in the United States which produce tin mill products meeting ASTM standard A623-00, there are none to Dana's knowledge which do, or will produce this steel in the required width. Therefore, there is no amount of increased duty, tariff-rate quota, or quantitative restriction which would prevent or remedy any harm or threat of harm to domestic producers.

C. SAE 1050, SAE 1038, SAE 1541 hot-rolled special bar quality steel produced by basic oxygen furnace method from Canada

The last Dana product for which the domestic industry has not commented is hot rolled special bar quality steel produced by a basic oxygen blast furnace ("BOF") method in Canada meeting the requirements of SAE 1050M, SAE 1038, or SAE 1541. Dana has requested that the President not impose any remedy on this product in its submission to the USTR of January 4, 2002. Because no domestic industry has specifically commented on these requests, Dana hereby resubmits its request with regard to these products.

As explained in Dana's previous submission, BOF operations are relatively rare in the steel industry. They are used because they help ensure that the amount of residual elements in the steel produced by BOF technology is very low. This cleaner steel is vital in the production of motor vehicle axles, since residual impurities could easily cause catastrophic failure in the axle. Since public safety is of utmost concern to Dana, non-BOF produced steel is not material that Dana may substitute for BOF-produced steel.

It is important to note that BOF operations are relatively rare, and that it does not appear as if Dana will have the option of purchasing this material from a United States manufacturer. To the best of Dana's knowledge, there are only two domestic mills that have BOF operating capacity. Dana understands that one domestic producer has idled the facility that is capable of producing this material and the other has filed for bankruptcy and is in the process of shutting down and selling its integrated steel assets. Even if the BOF capacity of the remaining manufacturer were brought back into production, it is by no means clear that the plant would choose to manufacture SAE 1050M, SAE 1038, or SAE 1541 hot rolled special bar quality steel. Therefore, there is a very real possibility of having additional protection granted the domestic steel industry for a product used by Dana, but not produced in the United States.

As stated, Dana's main concern regarding this material is to ensure that it has a dependable source for the material to ensure a safe and reliable product to sell to its customers. There is no increased duty, tariff-rate quota, or quantitative restriction that would prevent or remedy any harm or threat of harm to United States producers if the United States are unable to provide a reliable supply. Therefore, Dana requests that the President not impose any remedy from imports of SAE 1050M, SAE 1038, or SAE 1541 hot rolled special bar quality steel produced by a basic oxygen blast furnace method in Canada.

## II. CONCLUSION

It must be stressed that Dana has demonstrated a strong commitment to the United States steel industry. Dana has attempted to procure domestic production of all products contained in this submission, only to find that no viable sources exist. Without any indication that the United States steel industry is able or willing to produce the products in question, no remedies provide any assistance to domestic producers. Dana again respectfully requests that the above referenced products be excluded from the scope of the 201 proceedings or that the President apply no remedy to these specific products.

Thank you for your attention to this matter. Please feel free to contact us if you have any questions regarding this matter.

Very truly yours,

**BARNES, RICHARDSON & COLBURN**

By: *Kazumune V. Kano/DG7*

Kazumune V. Kano

David G. Forgue

William J. Murphy

Attachment

DAN-137

KVK\DGFWJM\sp

P:\sp\DAN\137\USTRsub-PUB.Feb.1.2002

EXHIBIT ONE<sup>1</sup>

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<sup>1</sup> This exhibit reflects confidential business communication and is confidential in its entirety.

**PUBLIC VERSION**

**CANNOT BE PUBLICLY SUMMARIZED**

**LIGHT-GAUGE DOUBLE-REDUCED ELECTROLYTIC TIN PLATE IN 50 POUND BASE BOX  
(X-083.C1.B)**

**SUMMARY**

<b>Revision</b>	<ul style="list-style-type: none"> <li>• Our initial request was for 55 lb base box and below. BSC and NCS responded that they could produce material in 55 lb base box and lighter; all other U.S. producers do not object to the exclusion of this product with a thickness of 49 lbs per base box and less.</li> <li>• Our revised request is divided in two:             <ul style="list-style-type: none"> <li>○ <i>X-083.C1a.</i> Products with a thickness of 49 lbs per base box and less (for which there are no U.S. producers, and no objection)</li> <li>○ <i>X-083.C1b.</i> Products with a thickness of 50 lbs per base box (which we argue also cannot be produced domestically)</li> </ul> </li> </ul>
<b>Use</b>	<ul style="list-style-type: none"> <li>• Primarily used in the production of DRD cans.</li> </ul>
<b>Product Characteristics</b>	<ul style="list-style-type: none"> <li>• Light-gauge double-reduced electrolytic tin plate in 50 pound base box is made to ASTM A623 type MR specifications and is imported under HTS numbers 7210.12.0000 and 7210.50.0000.</li> <li>• This product is double-reduced electrolytically coated steel with tin and/or chromium with a thickness of 50 pounds per base box and a tensile strength between 80,000 and 83,000 psi. These are extremely thin tin products manufactured through reduction on a DR temper mill following cold-rolling. The DR8 quality mechanical properties are critical for customers.</li> </ul>
<b>Total Quantity Imported in 2000</b>	<ul style="list-style-type: none"> <li>• None. (Usinor currently in qualification trials; expects to import based on future orders.)</li> </ul>
<b>Is this product produced by U.S. mills?</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>
<b>Will this product be used in place of other current imports?</b>	<ul style="list-style-type: none"> <li>• Because of its high price and unique applicability, this product is not competitively substituted for any other product.</li> </ul>
<b>Can this product be specifically identified for Customs purposes?</b>	<ul style="list-style-type: none"> <li>• This product is identifiable for Customs purposes by its physical properties.</li> </ul>

## REVISED EXCLUSION REQUEST

- (a) **The designation of the product under a recognized standard or certification (e.g., ASTM, DIN), or the commercial name for the product and the HTS number under which this product enters the United States;**

Light-gauge double-reduced electrolytic tin plate in 50 pound base box and below is made to ASTM A623 type MR specifications and is imported under HTS numbers 7210.12.0000 and 7210.50.0000.

- (b) **A description of the product based on physical characteristics (e.g., chemical composition, metallurgical properties, dimensions, surface quality) so as to distinguish the product from products for which exclusion is not sought;**

This product is double-reduced electrolytically coated steel with tin and/or chromium with a thickness of 50 pounds or less per base box and a tensile strength between 80,000 and 83,000 psi. These are extremely thin tin products manufactured through reduction on a DR temper mill following cold-rolling and are primarily used in the production of DRD cans. The DR8 quality mechanical properties are critical for customers.

- (c) **The basis for requesting an exclusion;**

There are no U.S. producers of this product.

- (d) **The names and locations of any producers, in the United States and foreign countries, of the product;**

There are no U.S. producers of this product.

- (e) **Total U.S. consumption of the product, if any, by quantity and value for each year, from 1996-2000, and projected annual consumption for each year from 2001-2005, with an explanation of the basis for the projection;**

Response contains confidential information. *See* original submission, November 13, 2001.

- (f) **Total U.S. production of the Product for each year from 1996-2000, if any;**

None.

- (g) **The identity of any U.S. produced substitute for the product, total U.S. production of the substitute for each year from 1996 to 2000, and the names of any U.S. producers of the substitute.**

We are unaware of any U.S.-produced substitute for this product. Domestic producers do not cite to any U.S.-produced substitutes.

- (h) **Parties supporting this request.**

Sonoco Products Company (*See attached*)

Berlin Metals (*See attached*)

Dana Corporation (*See attached*)

**(i) Contact Person.**

For any questions regarding this request, please contact:

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Chairman of the Commission  
U.S. International Trade Commission  
500 E Street S.W.  
Washington, DC 20436

October 17, 2001

Dear Sir,

With Section 201 of the Federal Trade Act continuing to loom, we want to make sure that our government understands the importance of the products that we are purchasing from Usinor. Below is some information about Sonoco, the products that we purchase from Usinor and the importance of being able to receive innovative products from mills such as Usinor.

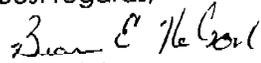
Sonoco, founded in 1899, is a \$2.7 billion manufacturer of industrial and consumer packaging products and provider of packaging services, with approximately 295 operations in 33 countries serving 85 nations. Sonoco uses tin mill products in the manufacture of metal ends or closures such as those used on frozen juice concentrate and Pringles composite cans.

In the manufacture of composite cans, Sonoco competes with many forms of packaging such as flexible pouches and plastics. Flexible packaging and plastics compete with composite cans with their ability to offer novel shapes and opening features. They are also very price competitive with a composite can. For this reason Sonoco must continue to strive to lower the cost of our total package. Since the metal end(s) represent a significant portion of our total package cost, we are working to lightweight the ends and drive down costs. Thin gauge DR (Double Reduced) metal is available in the United States down to 55# basis weight but DR metal and its high temper strength can create significant runability issues when trying to attach the closure onto a paperboard composite can. Because of the high temper strength of DR metal, Sonoco is limited on many of our products to the use of the lower temper SR (Single Reduced) metals. Unfortunately mills in the United States are limited in their ability to produce lighter gauge, single reduced metals. Domestic mills are limited to 70# basis weight and in some cases, the bottom end is 73# for single reduced steel. It is for this reason that we rely on foreign mills to be able to produce lightweight 65# SR or lower tin mill products. Should this material become unavailable to Sonoco as a result of 201, we will be forced to up-gauge our metal and will find it difficult to compete with alternative packaging materials.

Usinor and other non-domestic sources of tin-plate continue to be Sonoco's best source of innovative steel solutions. We rely on Usinor to help our government understand the importance of having these innovative solutions and abilities available to Sonoco.

Please let us know if Sonoco can be of any assistance in communicating this information.

Best regards,



Brian Nelson

Senior Procurement Specialist

Sonoco Products Company

North Second Street

Hartsville, SC 29550

Date: January 4, 2002

Re: Availability of wide widths of Tin Plate and Black Plate

From: Roy Berlin, President of Berlin Metals LLC

To: United States Trade Representative

Electronic Mail

[fr001@ustr.gov](mailto:fr001@ustr.gov)

PUBLIC DOCUMENT

Berlin Metals LLC is a steel service center specializing in the processing of wide coils into narrow coils for various industries such as automotive, telecommunication, cookware, computer, etc. in the US. The majority of products that we purchase from steel mills to process for our customers are Tin Mill Products. Tin Mill Products primarily consist of uncoated, light gauge Cold Rolled Steel commonly called "Black Plate", this same Black Plate electrolytically coated with tin, referred to as Tin Plate, and this same Black Plate electrolytically coated with chrome, referred to as Tin Free Steel or TFS. Tin Mill Products have had an affirmative injury ruling by the ITC in the Section 201 proceedings with a recommended tariff of 20% to be imposed.

Our company has contacted all the steel mills in the US who are able to produce Tin Mill Products to ask them again to quote a price to make the products we require for our customers. On November 1, 2001 we sent letters to the following companies, with follow up telephone calls when necessary, asking them to advise us if they can produce material outside the normal published widths to meet the requirements of some of our automotive gasket, radiator and other customers. Among the products for which production was requested are tin mill products meeting ASTM standard A 623-00, including electrolytic tin plate and tin mill black plate. The requests for these materials covered a range of widths. The companies contacted and their answers are summarized below.

**Bethlehem Steel**

Bethlehem's representative replied that Bethlehem Steel could not produce any of the widths we inquired for.

**National Steel**

National's representative replied that National Steel could not produce any of the widths we inquired for.

**Nippon Steel America (NSA), sales agents for Ohio Coatings Company (OCC)**

To date, we have not received an answer to our facsimile or telephone call to NSA. We can only assume that the mill is unable to provide the specifications we require.

Date: January 4, 2002

Re: Availability of wide widths of Tin Plate and Black Plate

From: Roy Berlin, President of Berlin Metals LLC

To: United States Trade Representative

Via Electronic Mail

[fr001@ustr.gov](mailto:fr001@ustr.gov)

PUBLIC DOCUMENT

Page 2

**USS-Posco**

USS-Posco's representative stated that all of the widths we inquired for were outside USS Posco's limits.

**US Steel**

To date, we have not received an answer to our facsimile or telephone call to US Steel. We can only assume that the mill is unable to provide the specifications we require.

**Weirton Steel**

Weirton's representative indicated that Weirton would accept a trial order for the following 2 items and would not be able to produce the other items we inquired for. We did enter trial orders for:

Black Plate, 75 BW (.0083" nom.), T-4, Matte Finish, 40.75" X Coil

Tin Plate, 135 BW (.0149 nom.), T-1, 25 Coating, Matte Finish, 38.875" X Coil

**Wheeling Pittsburgh Steel (WP)**

Wheeling Pittsburgh's representative indicated that WP could only produce the following item:

Black Plate, 112 BW (.0123 nom.), T-2, Matte Finish, 42" X Coil

Based on the above, we renew our urgent request for exclusions of wide width material in both the Section 201 case on Tin Mill Products and the Anti-dumping investigation of Cold Rolled Steel imports. These wider widths are, with scant exception, outside the everyday capabilities of all of the US producers of Tin Mill Products.

---

Roy Berlin



January 9, 2002

**VIA OVERNIGHT MAIL /**  
**VIA E-MAIL TO: fr0001@ustr.gov AND astephens@ustr.gov**

Ms. Gloria Blue  
Executive Secretary, TPSC  
Office of the U.S. Trade Representative  
602 Seventeenth Street, N.W.  
Washington, D.C. 20508

Re: **Exclusion Request Concerning Potential Action Under Section 203 of the Trade Act of 1974 With Regard to Imports of Certain Steel from Japan**

Dear Ms. Blue:

This letter is filed by Berlin Metals, LLC to request that the Trade Policy Staff Committee ("TPSC") recommend excluding several items of 1 in Mill Products, classified under ASTM A 623-00, A 624-98, A 625-98 and A 657-98 from the scope of any action that the President may take under Section 203 of the Trade Act of 1974. The attached table, labeled "Appendix A", lists these items with their common names, Harmonious Tariff System Numbers, Thicknesses, Formal Names, ASTM Designations, etc.

To the best of our knowledge, these items are not available from any domestic steel mill because they are either too wide or too thin for the domestic mills' equipment to produce. As explained below, these steel products are very important to Berlin Metals and to Berlin's customers' manufacturing operations. Berlin Metals understands that the action the President could take under Section 203 of the Trade Act of 1974 could last up to five years and that there may be no procedure to request exclusions once the President takes action in early 2002. Accordingly, Berlin Metals is concerned with obtaining an exclusion for these items due to the unavailability of these products. In addition, the thinner items, .0072 and .0066 inches thick, remain in the scope of the 201 even after thicknesses 0.0045," 0.0050," 0.0061," and 0.0072" of this product in other Tempers were all

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<http://www.berlinmetals.com>



excluded from both the Cold Rolled anti-dumping cases filed before and after the current 201 was initiated!

The products for which Berlin Metals seeks exclusion are commonly referred to as Black Plate, Tin Plate and Tin Free Steel, all under a general heading of "Tin Mill Products". Our letter is intended to emphasize the need to exclude these products in the thicknesses and widths indicated on the attached Appendix from the scope of any remedy issued as a result of this Section 203 proceeding.

Below we provide an overview of Berlin Metals operations, number of employees, significance of our company to the United States marketplace and economy, steel product requirements, commitment to domestic sourcing of our steel requirements, and the possible harm to our company if we are unable to obtain these products for use in our operations and re-sale to our customers.

#### **1. Berlin Metals' United States Operations**

Berlin Metals has been in existence since 1967. Berlin Metals conducts operations at a facility located in Hammond, Indiana, where the company functions as a Service Center distributor of prime Tin Mill Products (Tin Plate, Black Plate, TFS, Tin Coated Sheet) in slit coil form in North America. Additionally, Berlin Metals provides stainless steel strip, galvanized, light gauge cold rolled sheet and strip, and other coated steels in coil form. Further, Berlin has over 5 other stocking locations in the US to service customers nationwide. Berlin Metals sells the material referenced in the Appendix to various customers such as Federal Mogul Corporation, Dana Corporation, Ingersoll-Rand, etc., who make a diverse number of products such as engine gaskets, radiator fins, bakeware, cellular telephones, etc. Berlin's facilities reflect a total capital investment of \$15 million and employ approximately 75 persons.

In calendar year 2001, Berlin Metals produced approximately 100,000,000 (one hundred million) pounds of slit Tin Mill Products.

3200 Sheffield Avenue, Hammond, Indiana 46327-1002  
Phone 219/933-0111 • 800/SLIT TMP (754-8867) • Fax 219/933-0692  
<http://www.berlinmetals.com>



Berlin has been an employer for many years in Northwest Indiana consistently contributing to the local economy.

**2. Berlin Metals' Steel Input Requirements and Purchasing Experiences**

For our customers to manufacture automobile engine gaskets and other products, Berlin Metals must be able to purchase the Tin Mill Products listed in the Appendix. The use of these products is required for our customers to make the parts they sell to Ford, Chrysler, General Motors, Motorola and others. If our customers were unable to make their products because the base steel was not available, their customers would then have no choice but to buy these components from overseas companies who could buy this steel. In calendar year 2001, Berlin Metals purchased more than 4,000 tons of the Tin Mill Products listed on the for processing and re-sale to our customers in manufacturing auto gaskets, radiator fins, etc. Of this total amount, zero percent was obtained from United States domestic producers, with the remaining amounts purchased from France, Germany and Japan.

Berlin Metals does not purchases these Tin Mill Products listed on the from any U.S. mills because it is unavailable in the US as the United States producers do not have the technical or physical capability ~ or interest-- to produce the steel product at issue in sufficient quantities, meeting strict product tolerances, with acceptable qualities, in the required varieties.

Berlin Metals has been in regular and direct contact with sales representatives of all the domestic producers of Tin Mill Products for the last several years to try and place orders for the Tin Mill Product items shown on the attached Appendix without success. Our last attempts to procure these items were made in the last 3 months. The only Tin Mill Product producers in the US are Bethlehem Steel, National Steel, Ohio Coatings (Tin Plate only), USS Posco, US Steel and Wheeling Pittsburgh Steel (black plate only).



**3. Potential Harm to Berlin Metals if Unable to Obtain Wide Tin Mill Products and Thin Tin Mill Products from overseas Suppliers.**

As noted above, to the best of our knowledge, none of the very wide or very thin Tin Mill Products shown on the attached Appendix are available from any United States steel company. As explained below, Berlin Metals has significant concerns regarding the potential adverse impact on its operations, if it were unable to import these products in the future.

It would be disruptive to Berlin Metals' customer operations if its access to imported these wide and or thin Tin Mill Products were restricted. Specifically, such restrictions would likely have an immediate and negative impact on our operations and employees. Our company could be forced to significantly decrease our employment by 25% due to the inability to obtain wide and or thin Tin Mill Products because of quotas.

For the reasons identified above, it is essential that Berlin Metals have continued access to these wide and thin Single Reduced Tin Plate, Black Plate and Tin Free through an exclusion from any Section 201 import restrictions imposed by the President. Berlin Metals needs an exclusion for all the items listed on our Appendix from any Section 201 relief to avoid seriously disrupting its operations and adversely impacting the livelihood of its employees. Accordingly, Berlin Metals requests that these product be excluded from any remedy recommended in this investigation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Roy Berlin", is written over a horizontal line.

Roy Berlin, President

Attachment: Appendix A

**APPENDIX "A"**
**Request for Exclusion on 201: List of Wide and or Thin Single Reduced Tin Mill Products Not Available in the US**

<b>Common Name</b>	<b>Harmonious Tariff System Number</b>	<b>Base Weight</b>	<b>Nominal Thickness (inches)</b>	<b>Temper Designation</b>	<b>Formal Name and ASTM designation</b>	<b>Width (inches)</b>	<b>End Use</b>	<b>Comments</b>
Black Plate	7209.18.2500	60	.0066	Single Reduced, T-1 to T-5	Tin Mill Black Plate: A 623-00 & A 625-98	Any	Engine Gaskets	We have given inquiries to all the domestic mills and none can provide this material
Black Plate	7209.18.2500	65	.0072	Single Reduced, T-1 to T-5	Tin Mill Black Plate: A 623-00 & A 625-98	Any	Engine Gaskets, Pencil Ferrules, etc.	We have given inquiries to all the domestic mills and none can provide this material
Black Plate	7209.18.2500	70 to 128	.0077 to .0141	Single Reduced, T-1 to T-5	Tin Mill Black Plate: A 623-00 & A 625-98	wider than 40"	Engine Gaskets, Radiator Fins, other	We have given inquiries to all the domestic mills and none can provide this material
Tin Plate	7210.12.0000	60	.0066	Single Reduced, T-1 to T-5	Electrolytic Tin Plate: A 623-00 & A 624-98	Any	Engine Gaskets, other	We have given inquiries to all the domestic mills and none can provide this material
Tin Plate	7210.12.0000	65	.0072	Single Reduced, T-1 to T-5	Electrolytic Tin Plate: A 623-00 & A 624-98	Any	Engine Gaskets, cell phone shields, other	We have given inquiries to all the domestic mills and none can provide this material
Tin Plate	7210.12.0000	70 to 135	.0077 to .0149	Single Reduced, T-1 to T-5	Electrolytic Tin Plate: A 623-00 & A 624-98	wider than 36"	Engine Gaskets, other	We have given inquiries to all the domestic mills and none will provide this material. One mill is "listed" as capable to 40" but is not interested in the business as trial orders failed to make the parts.
Tin Free Steel (TFS)	7210.50.3000	70 to 180	.0077 to .020	Single Reduced, T-1 to T-5	Electrolytic Chromium-Coated Black Plate: A 623-00 & A 657-98	wider than 36"	Engine Gaskets, Bakeware, other	We have given inquiries to all the domestic mills and none can provide this material



AFFIDAVIT

City of Hammond)

) S.S.

State of Indiana)

I, Roy Berlin, President of Berlin Metals LLC, a steel service center, established in 1967 and located in Hammond, Indiana with an additional processing facility in Salt Lake City, Utah, do hereby attest that the following is a true and accurate explanation of why it is important that our company's ability to continue to buy certain wider width coils from overseas steel mills not be limited by any Section 201 or anti dumping actions.

Our company purchases large quantities of low carbon, flat rolled steel coils from high quality steel mills in the US and overseas. More specifically, the majority of our purchases fall within the product group called "Tin Mill Products" (TMP) which consists of Electrolytic Tin Plate (ETP) and Tin Mill Black Plate (TMBP). TMBP is essentially light gauge (less than .015" thick) Cold Rolled and for the purposes of import/export tariff classification, TMBP is grouped with Cold Rolled Steel.

We take these steel coils and, following our customers' specific requirements, cut them into narrower coils with a tolerance of less than .005" (5 thousandths of an inch). Our customers are manufacturers in the automotive, computer, telecommunication, hardware and packaging industries. They use our steel in a stamping, draw forming or roll forming operation to produce a diverse number of products such as engine gaskets, oil filters, radiator fins, paint trays and telephone cable. Our customers include such companies as Federal Mogul, Dana Corporation and Arvin Meritor.

Our customers' specifications require the steel to be a very specific combination of thickness, hardness, coating, finish and width. When we buy steel coils from overseas, it is usually because the material is not available in the US. Much of this lack of availability in the US relates to the width.

For ETP, no mill in the US, except one, has the ability to make anything wider than 37 1/2 inches, due to the physical limit of their tin plating lines. Mills in France, Germany, Holland, England and Korea have the physical ability to produce ETP as wide as 48". The one US mill that can produce wider than 37 1/2" can go to 39", but the ETP they supply has failed to make our customers parts where deep drawing is required. As a result, this mill will not accept an order for this drawn application.



For TMBP with a Rockwell hardness maximum of 61 or less on the 30T scale (Temper "T-1", "T-2" and "T-3"), US mills cannot produce material wider than 40", due to the operational limits on their Temper rolling mill with this thinner material. For TMBP with a Rockwell hardness minimum of 57 or greater on the 30T scale (Temper "T-4 and "T-5"), US mills cannot produce material wider than 37-38" due to the physical limits on their continuous annealing lines. The same overseas mills mentioned above are able to physically produce material up to 48" wide.

The reason these wider widths are necessary is because many of our customers stamp parts requiring coil widths of 18 1/2" to 23 3/4". The US mills have said that they will not accept orders for material that is this narrow as it gives uneven wear to their rolls and is extremely inefficient for their production. Nor, as is explained above, can they physically make material that is 2 times these widths. We order the coils from the overseas mills mentioned above who are able to produce coils that are 2 times the width our customers require. We then slit these wider coils into half, providing the exact widths specified by our customers.

It is imperative that these wider widths be exempted from any limiting action, whether it be 201 or anti-dumping. We would not have material to be able to supply to our customers who then would face the choice of either losing the business to overseas manufacturers of these parts or moving their own manufacturing of these parts to their own overseas facilities. In either case, there would be harm to our company and to other employees in the US who work in manufacturing.

A handwritten signature in black ink, appearing to read "Roy Berlin", written over a horizontal line.

Roy Berlin

Subscribed and sworn to before me this 25<sup>th</sup> day of October, 2001.

A handwritten signature in black ink, appearing to read "Phyllis Brunsting", written over a horizontal line.

Notary Public



**BARNES, RICHARDSON & COLBURN**

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January 4, 2002

Ms. Gloria Blue  
Executive Secretary  
Trade Policy Staff Committee  
Office of the USTR  
600 17<sup>th</sup> Street, NW  
Washington, DC 20508

**VIA ELECTRONIC MAIL**

[fr0001@ustr.gov](mailto:fr0001@ustr.gov)

**PUBLIC DOCUMENT**

Re: Written Comments Filed On Behalf of Dana Corporation Concerning What Action the President Should Take Under Section 203(a) of the Trade Act Regarding Imports of Certain Steel (TA-201-73)

Dear Ms. Blue:

This submission is filed on behalf of the Victor Reinz Division of Dana Corporation ("Dana") pursuant to the Federal Register notice entitled Trade Policy Staff Committee: Public Comments on the Potential Action Under Section 203 of the Trade Act of 1974 With Regard to Imports of Certain Steel, 66 Fed. Reg. 54321 (October 26, 2001), and its amendments found at 66 Fed. Reg. 59599 (November 29, 2001) and 66 Fed. Reg. 67349 (December 28, 2001). In specific, Dana believes that the President should take no action under § 203(a) of the Trade Act as it applies to imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches.

Dana produces gaskets for major automotive original equipment manufacturers. These gaskets are produced from stampings in widths ranging from 18.500 inches to 23.750 inches (plus relevant tolerances). However, mills will not produce strips of this material in widths as narrow as those used to make the stampings. Therefore, Dana has been forced to purchase material that is

double the width of the gaskets and have the material slit to the appropriate width. Therefore, Dana purchases tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches.

Dana believes that the President should impose no remedy against imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches for two related reasons. First, Dana has not been able to source the vast majority of this material in the United States. There are very few mills in the United States that have the capability of producing electrolytic tin plate to a width of 37.5 inches. It is unclear that those few mills that can produce any of this material are able to produce the material to Dana's requirements and standards. Similarly, for the majority of Dana's use of tin mill black plate, the maximum widths available from United States mills will not allow Dana to produce its customers' gaskets in a cost-effective manner. Please see the submission of Berlin Metals LLC setting forth the extremely limited sourcing options for any of this material.

Further, Dana believes that the President should impose no remedy on this product because the finished product made from these tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width greater than 37.5 inches, plus or minus tolerances of 0.005 inches is Dana's sole option by which to produce merchandise in a commercially feasible manner. Dana is a major supplier to the large automotive manufacturers, and to severely disrupt the supply of this material where there either are extremely limited or no alternative domestic sourcing options simply puts end users and manufacturers using this material at risk of harm without assisting the United States steel industry. If the supply of this material were disrupted for a significant period of time, Dana would be unable to produce the gasket stampings made with this merchandise, and all of the major United States automobile manufacturers would have their production severely disrupted. The ripple effect of such action could affect multiple facilities and hundreds or thousands of American workers.

Third, Dana notes that there is no available substitute for the use of these coils in the required configuration. The tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width greater than 37.5 inches, plus or minus tolerances of 0.005 inches, as mentioned above, represent Dana's sole option by which to produce merchandise in a commercially feasible manner. There is simply no merchandise Dana could substitute that could be used as an alternative to this material. This lack of any viable substitute is a condition of competition in the United States and global steel industries which severely limits Dana's sourcing options for this material.

Finally, the domestic industry has advocated creating a "short supply" system as an alternative to granting exclusions from the scope of the case, or requesting that the President impose no remedy on certain products. This suggestion does not replace the need for exclusions or not imposing remedies. First, the business uncertainty of applying a short-supply system to imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches would severely disrupt Dana's ability to plan its business activities. In effect, this would be inequitably

imposing another burden on a company that is largely unable to purchase the material in question in the United States. Therefore, Dana requests that if no exclusion from the scope of this § 201 case is granted for the merchandise in question, a "short supply" mechanism not be utilized in lieu of recommending that the President impose no remedy on imports of this merchandise.

Thank you for your attention to this matter. Please feel free to contact us if you have any questions regarding this matter.

Very truly yours,

**BARNES, RICHARDSON & COLBURN**

By: *Kazumune V. Kano/DG7*

Kazumune V. Kano  
David G. Forgue

DAN 137  
DGF/ety

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January 4, 2002

Ms. Gloria Blue  
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Washington, DC 20508

VIA ELECTRONIC MAIL  
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PUBLIC DOCUMENT

Re: Written Comments Filed On Behalf of Dana Corporation Concerning What Action the President Should Take Under Section 203(a) of the Trade Act Regarding Imports of Certain Steel (TA-201-73)

Dear Ms. Blue:

This submission is filed on behalf of the Victor Reinz Division of Dana Corporation ("Dana") pursuant to the Federal Register notice entitled Trade Policy Staff Committee: Public Comments on the Potential Action Under Section 203 of the Trade Act of 1974 With Regard to Imports of Certain Steel, 66 Fed. Reg. 54321 (October 26, 2001), and its amendments found at 66 Fed. Reg. 59599 (November 29, 2001) and 66 Fed. Reg. 67349 (December 28, 2001). In specific, Dana believes that the President should take no action under § 203(a) of the Trade Act as it applies to imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate over particular widths. In specific, Dana seeks to have no remedy imposed on imports of tin plate meeting all of the elements of the definition above, but with a width greater than 38.875 inches, plus or minus tolerances of 0.005 inches. In addition, Dana seeks to have no remedy imposed on imports of black plate meeting all of the elements of the definition above, but with a width greater than 42.000 inches, plus or minus tolerances of 0.005 inches.

Dana produces gaskets for major automotive original equipment manufacturers. These gaskets are produced from stampings in widths ranging from 18.500 inches to 23.750 inches (plus relevant tolerances). However, mills will not produce strips of this material in widths as narrow as those used to make the stampings. Therefore, Dana has been forced to purchase material that is double the width of the gaskets and have the material slit to the appropriate width. Therefore, Dana purchases tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches.

Dana believes that the President should impose no remedy against imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate in the width ranges set forth above. First, Dana is not been able to source this material in the United States. As discussed in the submission made by Berlin Metals LLC regarding the availability of wide width tin plate and black plate, domestic producers of tin mill products are not able to produce the material subject to this request. Therefore, no portion of the United States industry would be protected if a remedy were imposed on these imports. This is true for both tin plate and black plate materials.

Further, Dana believes that the President should impose no remedy on this product because the finished product made from these tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate within the width ranges discussed above is Dana's sole option by which to produce merchandise in a commercially feasible manner. Dana is a major supplier to the large automotive manufacturers, and to severely disrupt the supply of this material where there either are no alternative domestic sourcing options simply puts end users and manufacturers using this material at risk of harm without assisting the United States steel industry. If the supply of this material were disrupted for a significant period of time, Dana would be unable to produce the gasket stampings made with this merchandise, and all of the major United States automobile manufacturers would have *their* production severely disrupted. The ripple effect of such action could affect multiple facilities and hundreds or thousands of American workers.

Third, Dana notes that there is no available substitute for the use of these coils in the required configuration. The tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate within the width ranges discussed above represent Dana's sole option by which to produce merchandise in a commercially feasible manner. There is simply no merchandise Dana could substitute that could be used as an alternative to this material. This lack of any viable substitute is a condition of competition in the United States and global steel industries which severely limits Dana's sourcing options for this material.

Finally, the domestic industry has advocated creating a "short supply" system as an alternative to granting exclusions from the scope of the case, or requesting that the President impose no remedy on certain products. This suggestion does not replace the need for exclusions or not imposing remedies. First, the business uncertainty of applying a short-supply system to imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate within the width ranges discussed above would severely disrupt Dana's ability to plan its business activities. In effect, this would be inequitably imposing another burden on a company that is unable to purchase the material in question in the United States. Therefore, Dana requests that

if no exclusion from the scope of this § 201 case is granted for the merchandise in question, a "short supply" mechanism not be utilized in lieu of recommending that the President impose no remedy on imports of this merchandise.

Thank you for your attention to this matter. Please feel free to contact us if you have any questions regarding this matter.

Very truly yours,

**BARNES, RICHARDSON & COLBURN**

By: *Kazumune V. Kano/dg7*

Kazumune V. Kano  
David G. Forgue

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February 1, 2002

**PUBLIC VERSION**

Gloria Blue  
Executive Secretary  
Trade Policy Staff Committee  
Office of the United States Trade Representative  
600 Seventeenth Street, N.W.  
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VIA ELECTRONIC MAIL

[FR0001@ustr.gov](mailto:FR0001@ustr.gov)

**PUBLIC VERSION**

Re: Written Comments Filed on Behalf of Dana Corporation in Response to Domestic Parties Comments dated January 18, 2002 Concerning What Action the President Should Take Under Section 203(a) of the Trade Act Regarding Imports of Certain Steel (TA-201-73)

Dear Ms. Blue:

This submission is filed on behalf of Dana Corporation pursuant to the Federal Register Notice entitled Trade Policy Staff Committee; Public Comments on the Potential action Under Section 203 of the Trade Act of 1974 With Regard to Imports of Certain Steel, 66 Fed. Reg. 54321 (October 26, 2001), modified at 66 Fed. Reg. 59599 (November 29, 2001), and 66 Fed. Reg. 67349 (December 28, 2001). Specifically, Dana wishes to respond to certain domestic producer's objection to the exclusion of Dana's product Hot Rolled Steel Coils as well as other products to which no domestic producers have commented in Domestic Producers submission of January 18, 2002.<sup>1</sup>

Pursuant to 15 CFR 2003.6, Dana requests that certain information contained in this submission be treated as business confidential and not disclosed to the public. The specified information constitutes trade secrets, and commercial and financial information the disclosure of which is not authorized by Dana. In addition, in some instances, the information is confidential in the original document cited by Dana, and the confidentiality claim herein is derived entirely

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<sup>1</sup> Dana will not be commenting on those products for which it requested exclusion and to which the Domestic Producers have specifically stated that they do not object to the exclusion, provided U.S. suppliers cannot produce them. These products include Cold-Rolled Carbon Steel Strip with Aluminum Cladding on Each Side (X-104.ex1), ASTM A 463 DDS-Aluminized Steel (X-104.ex2 & X-067), and Aluminum Clad Steel Strip in Coils (X-104.ex3 & X-107).

**PUBLIC VERSION**

from that of the original submitting party. In those cases, Dana is unable to include the bracketed material in the confidential version of its submission, since Dana does not have access to the original confidential version.

**I. PRODUCTS**

**A. Hot-Rolled Steel Coils (recorded as X-104-ex.4)**

On November 13, 2001, Dana filed a request with the USTR to exclude hot rolled roils with a width of 76.500 inches, plus or minus tolerances of +0.250/-0.000, from these Section 201 proceedings (recorded as X-104-ex4). On November 27, 2001 and January 4, 2002, Dana filed additional responses requesting this merchandise to be excluded from relief under §203 (ER-023) or that no remedy be imposed. Dana explained in these previous submissions that it had no viable domestic sourcing option for this merchandise, and therefore, exclusion of the merchandise from the scope of this case was appropriate. Dana also provided evidence in its previous submissions that all domestic producers believed capable of making this material were unable and/or unwilling to meet Dana's order for the material. Finally, Dana requested that in the event the product is not excluded from the scope of this case, the President take no action against imports of hot rolled coils with a width of 76.500 inches or greater.

In response to the latest comments submitted by the a group of major United States producers of steel on January 18, 2002, Dana hereby reiterates its request for the exclusion or no remedy of this product. Despite the clear and convincing evidence which Dana previously submitted, the domestic producers have objected to the exclusion of the product on the basis that it can be produced by LTV and National Steel Corporation ("NSC").

As stated in our submission of January 4, 2002, we believe the basis for the objection to the exclusion of these hot rolled steel coils to be invalid. First, [ ] is in bankruptcy proceedings and will have to shutdown and sell all integrated steel assets pursuant to an order issued by the U.S. Bankruptcy Court on December 7, 2001. Therefore, [ ] can no longer be considered a viable United States source that markets this steel meeting the definition above.

Even assuming that [ ] was able to stay in operation, neither [ ] nor [ ] appear to be a viable source of this product for Dana. Please find the attached Exhibit 1, in which we are resubmitting copies of correspondence received from [ ] and [ ] concerning Dana's requests to produce the material. Both companies responded to the requests by stating that [ ]. These statements are contrary to the assertions in the Domestic Industry Response submitted to the USTR on January 18, 2002, and show that [ ]

].

Again, Dana fully supports the position of the domestic industry position that "if the domestic industry cannot produce a particular product, such product can properly be excluded from the scope since applying a remedy to such an item would not address the injury sustained nor facilitate the industry." This rationale applies equally well in the context of the remedy the President should impose on a product. However, Dana strongly opposes the notion that remedies should be applied in cases where the domestic industry is technically capable to producing a product, but for a variety of reasons chooses not to produce the product.

To extend remedies to include this situation would only injure a major domestic automotive component manufacturer which employees tens of thousands of American workers and provide absolutely no benefit to the domestic steel industry as well as other United States steel consumers.

Dana has vigorously attempted to procure domestic production of this product from several domestic producers, and would purchase such steel from domestic purchasers if it were available. Because the domestic steel industry has clearly indicated to Dana that they cannot or will not provide the material, Dana again respectfully requests that these hot rolled steel coil products with a width of 76.500 inches or greater, plus or minus tolerances of +0.250/-0.000, be excluded from remedy or that the President take no action against these imports.

**B. Various Tin Mill Products Meeting ASTM standard A623-00**

On January 4, 2002, Dana submitted to the USTR comments regarding what actions the President should take under Section 203(a), in which it requested that no remedy be applied to the imports of three specific tin mill products. Because no domestic industry has specifically commented on these requests, Dana hereby resubmits its request with regard to these products.

Specifically, Dana requests that no remedy be imposed on tin mill products which meet ASTM standard A623-00, including electrolytic tin plate and tin mill black plate. The three products all meet these elements, and are more specifically described as follows:

1. ASTM A623-00, including electrolytic tin plate and tin mills black plate with a width greater than 37.5 inches (plus or minus 0.005 inches);
2. ASTM A-623-00, including electrolytic tin plate with a width greater than 38.875 inches (plus or minus 0.005 inches); and
3. ASTM 623-00 including tin mill black plate with a width greater than 42.00 inches (plus or minus 0.005 inches)

Dana uses these materials for the production of gaskets for major automotive equipment manufacturers. These gaskets are produced from stamping in widths ranging from 18.500 inches to 23.750 inches (plus relevant tolerances). However, mills will not produce strips of this material in widths as narrow as those used to make the stampings, thereby forcing Dana to purchase material that is double the width of the gaskets and have the material slit to the appropriate width.

Dana believes that the President should impose no remedy against importers of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate in the width ranges set forth above. First, Dana has not been able to source this material in the United States. As stated in the submission made by Berlin Metals LLC regarding the availability of wide width tin plate and black plate, domestic producers of tin mill products are not able to produce the material subject to this request. Therefore, no portion of the United States industry would be protected in a remedy were to be imposed on these imports. This is true for both tin plate and black plate materials.

There is no available substitute for the use of these coils in the required configuration. The tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate in the width ranges discussed above, represent Dana's sole option by which to produce merchandise in a commercially feasible manner. There is no merchandise which Dana could substitute that could be used as an alternative to this material. This lack of any viable substitute is a condition of competition and global steel industries which severely limits Dana's sourcing options for this material.

Finally, it should be noted that while the domestic industry has not commented on Dana's requests to seek no remedy for these tin mill products, these products are of equivalent chemistry and gauge as a tin mill product submitted for exclusion by Collier Shannon Scott on behalf of Maui Pineapple Company on November 13, 2001. Both the Domestic Producers submission of January 18, 2002 and the Minmill Coalition submission of January 21, 2002 have stated that there are no objections to the exclusion of Maui Pineapple's products from any remedy imposed provided that no U.S. supplier could produce it.

Dana reiterates its position that no remedy is appropriate for this material for two related reasons. First, Dana has not been able to source this material in the United States, and is of the belief that no domestic mill manufactures this material. While there are mills in the United States which produce tin mill products meeting ASTM standard A623-00, there are none to Dana's knowledge which do, or will produce this steel in the required width. Therefore, there is no amount of increased duty, tariff-rate quota, or quantitative restriction which would prevent or remedy any harm or threat of harm to domestic producers.

**C. SAE 1050, SAE 1038, SAE 1541 hot-rolled special bar quality steel produced by basic oxygen furnace method from Canada**

The last Dana product for which the domestic industry has not commented is hot rolled special bar quality steel produced by a basic oxygen blast furnace ("BOF") method in Canada meeting the requirements of SAE 1050M, SAE 1038, or SAE 1541. Dana has requested that the President not impose any remedy on this product in its submission to the USTR of January 4, 2002. Because no domestic industry has specifically commented on these requests, Dana hereby resubmits its request with regard to these products.

As explained in Dana's previous submission, BOF operations are relatively rare in the steel industry. They are used because they help ensure that the amount of residual elements in the steel produced by BOF technology is very low. This cleaner steel is vital in the production of motor vehicle axles, since residual impurities could easily cause catastrophic failure in the axle. Since public safety is of utmost concern to Dana, non-BOF produced steel is not material that Dana may substitute for BOF-produced steel.

It is important to note that BOF operations are relatively rare, and that it does not appear as if Dana will have the option of purchasing this material from a United States manufacturer. To the best of Dana's knowledge, there are only two domestic mills that have BOF operating capacity. Dana understands that one domestic producer has idled the facility that is capable of producing this material and the other has filed for bankruptcy and is in the process of shutting down and selling its integrated steel assets. Even if the BOF capacity of the remaining manufacturer were brought back into production, it is by no means clear that the plant would choose to manufacture SAE 1050M, SAE 1038, or SAE 1541 hot rolled special bar quality steel. Therefore, there is a very real possibility of having additional protection granted the domestic steel industry for a product used by Dana, but not produced in the United States.

As stated, Dana's main concern regarding this material is to ensure that it has a dependable source for the material to ensure a safe and reliable product to sell to its customers. There is no increased duty, tariff-rate quota, or quantitative restriction that would prevent or remedy any harm or threat of harm to United States producers if the United States are unable to provide a reliable supply. Therefore, Dana requests that the President not impose any remedy from imports of SAE 1050M, SAE 1038, or SAE 1541 hot rolled special bar quality steel produced by a basic oxygen blast furnace method in Canada.

## **II. CONCLUSION**

It must be stressed that Dana has demonstrated a strong commitment to the United States steel industry. Dana has attempted to procure domestic production of all products contained in this submission, only to find that no viable sources exist. Without any indication that the United States steel industry is able or willing to produce the products in question, no remedies provide any assistance to domestic producers. Dana again respectfully requests that the above referenced products be excluded from the scope of the 201 proceedings or that the President apply no remedy to these specific products.

Thank you for your attention to this matter. Please feel free to contact us if you have any questions regarding this matter.

Very truly yours,

**BARNES, RICHARDSON & COLBURN**

By: *Kazumune V. Kano/DG7*

Kazumune V. Kano  
David G. Forgue  
William J. Murphy

Attachment  
DAN-137  
KVK\DGFWJM\sp  
P:sp\DAN137\USTRsub-PUB.Feb.1,2002

EXHIBIT ONE<sup>1</sup>

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<sup>1</sup> This exhibit reflects confidential business communication and is confidential in its entirety.

**PUBLIC VERSION**

**CANNOT BE PUBLICLY SUMMARIZED**

**ELECTROLYTIC TIN PLATE AND TIN FREE STEEL IN WIDTHS  
EQUAL TO OR GREATER THAN 40.0 INCHES (X-083.C2)**

**SUMMARY**

<b>Revision</b>	<ul style="list-style-type: none"> <li>• Our initial request was for tin mill products with widths equal to or greater than 38 inches. NCS responded that they could produce this product in widths of 38 inches and greater, without specifying how wide it could go; all other U.S. producers do not object to the exclusion of this product at widths equal to or greater than 40 inches.</li> <li>• Our revised request asks for the exclusion on all tin mill products with widths equal to or greater than 40 inches.</li> </ul>
<b>Use</b>	<ul style="list-style-type: none"> <li>• Primarily used for gasket manufacturing and miscellaneous automotive parts manufacturing.</li> </ul>
<b>Product Characteristics</b>	<ul style="list-style-type: none"> <li>• All tin mill products with widths equal to or greater than 40 inches. These products are imported under HTS numbers 7210.12.0000 and 7210.50.0000.</li> </ul>
<b>Total Quantity Imported in 2000</b>	<ul style="list-style-type: none"> <li>• 8,485 short tons</li> </ul>
<b>Is this product produced by U.S. mills?</b>	<ul style="list-style-type: none"> <li>• No U.S. mill can produce this product in widths over 40 inches; all are limited to maximum widths of 39 inches.</li> <li>• One U.S. customer has canvassed domestic producers and has been advised that all are unable to produce tin mill products larger than 38.875 inches. (<i>See attached</i>)</li> </ul>
<b>Will this product be used in place of other current imports?</b>	<ul style="list-style-type: none"> <li>• Because of its high price and unique applicability, this product is not competitively substituted for any other product.</li> </ul>
<b>Can this product be specifically identified for Customs purposes?</b>	<ul style="list-style-type: none"> <li>• This product is identifiable for Customs purposes by physical properties.</li> </ul>

## REVISED EXCLUSION REQUEST

- (a) **The designation of the product under a recognized standard or certification (e.g., ASTM, DIN), or the commercial name for the product and the HTS number under which this product enters the United States;**

Electrolytic tin plate and tin free plate in widths equal to or greater than 40.0 inches is imported under HTS numbers 7210.12.0000 and 7210.50.0000.

- (b) **A description of the product based on physical characteristics (e.g., chemical composition, metallurgical properties, dimensions, surface quality) so as to distinguish the product from products for which exclusion is not sought;**

All tin mill products with widths equal to or greater than 40 inches.

- (c) **The basis for requesting an exclusion;**

There are no U.S. producers of this product.

- (d) **The names and locations of any producers, in the United States and foreign countries, of the product;**

There are no U.S. producers of this product. There are some producers in Japan and Europe capable of producing these products.

- (e) **Total U.S. consumption of the product, if any, by quantity and value for each year, from 1996-2000, and projected annual consumption for each year from 2001-2005, with an explanation of the basis for the projection;**

Response contains confidential information. *See* original submission, November 13, 2001.

- (f) **Total U.S. production of the Product for each year from 1996-2000, if any;**

None.

- (g) **The identity of any U.S. produced substitute for the product, total U.S. production of the substitute for each year from 1996 to 2000, and the names of any U.S. producers of the substitute.**

We are unaware of any U.S.-produced substitute for this product. Domestic producers do not cite to any U.S.-produced substitutes.

- (h) **Parties supporting this request.**

Berlin Metals (*See* attached)

Dana Corporation (*See* attached)

**(i) Contact Person.**

For any questions regarding this request, please contact:

Lisa Raisner  
SHEARMAN & STERLING  
801 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel: 202-508-8049  
Fax: 202-508-8100  
E-mail: [lraisner@shearman.com](mailto:lraisner@shearman.com)

Date: January 4, 2002

Re: Availability of wide widths of Tin Plate and Black Plate

From: Roy Berlin, President of Berlin Metals LLC

To: United States Trade Representative

Electronic Mail

[fr001@ustr.gov](mailto:fr001@ustr.gov)

PUBLIC DOCUMENT

Berlin Metals LLC is a steel service center specializing in the processing of wide coils into narrow coils for various industries such as automotive, telecommunication, cookware, computer, etc. in the US. The majority of products that we purchase from steel mills to process for our customers are Tin Mill Products. Tin Mill Products primarily consist of uncoated, light gauge Cold Rolled Steel commonly called "Black Plate", this same Black Plate electrolytically coated with tin, referred to as Tin Plate, and this same Black Plate electrolytically coated with chrome, referred to as Tin Free Steel or TFS. Tin Mill Products have had an affirmative injury ruling by the ITC in the Section 201 proceedings with a recommended tariff of 20% to be imposed.

Our company has contacted all the steel mills in the US who are able to produce Tin Mill Products to ask them again to quote a price to make the products we require for our customers. On November 1, 2001 we sent letters to the following companies, with follow up telephone calls when necessary, asking them to advise us if they can produce material outside the normal published widths to meet the requirements of some of our automotive gasket, radiator and other customers. Among the products for which production was requested are tin mill products meeting ASTM standard A 623-00, including electrolytic tin plate and tin mill black plate. The requests for these materials covered a range of widths. The companies contacted and their answers are summarized below.

**Bethlehem Steel**

Bethlehem's representative replied that Bethlehem Steel could not produce any of the widths we inquired for.

**National Steel**

National's representative replied that National Steel could not produce any of the widths we inquired for.

**Nippon Steel America (NSA), sales agents for Ohio Coatings Company (OCC)**

To date, we have not received an answer to our facsimile or telephone call to NSA. We can only assume that the mill is unable to provide the specifications we require.

Date: January 4, 2002

Re: Availability of wide widths of Tin Plate and Black Plate

From: Roy Berlin, President of Berlin Metals LLC

To: United States Trade Representative

Via Electronic Mail

[fr001@ustr.gov](mailto:fr001@ustr.gov)

PUBLIC DOCUMENT

Page 2

**USS-Posco**

USS-Posco's representative stated that all of the widths we inquired for were outside USS Posco's limits.

**US Steel**

To date, we have not received an answer to our facsimile or telephone call to US Steel. We can only assume that the mill is unable to provide the specifications we require.

**Weirton Steel**

Weirton's representative indicated that Weirton would accept a trial order for the following 2 items and would not be able to produce the other items we inquired for. We did enter trial orders for:

Black Plate, 75 BW (.0083" nom.), T-4, Matte Finish, 40.75" X Coil

Tin Plate, 135 BW (.0149 nom.), T-1, 25 Coating, Matte Finish, 38.875" X Coil

**Wheeling Pittsburgh Steel (WP)**

Wheeling Pittsburgh's representative indicated that WP could only produce the following item:

Black Plate, 112 BW (.0123 nom.), T-2, Matte Finish, 42" X Coil

Based on the above, we renew our urgent request for exclusions of wide width material in both the Section 201 case on Tin Mill Products and the Anti-dumping investigation of Cold Rolled Steel imports. These wider widths are, with scant exception, outside the everyday capabilities of all of the US producers of Tin Mill Products.

---

Roy Berlin



January 9, 2002

**VIA OVERNIGHT MAIL /**  
**VIA E-MAIL TO: fr0001@ustr.gov AND astphens@ustr.gov**

Ms. Gloria Blue  
Executive Secretary, TPSC  
Office of the U.S. Trade Representative  
602 Seventeenth Street, N.W.  
Washington, D.C. 20508

Re: **Exclusion Request Concerning Potential Action Under Section 203 of the Trade Act of 1974 With Regard to Imports of Certain Steel from Japan**

Dear Ms. Blue:

This letter is filed by Berlin Metals, LLC to request that the Trade Policy Staff Committee ("TPSC") recommend excluding several items of Tin Mill Products, classified under ASTM A 623-00, A 624-98, A 625-98 and A 657-98 from the scope of any action that the President may take under Section 203 of the Trade Act of 1974. The attached table, labeled "Appendix A", lists these items with their common names, Harmonious Tariff System Numbers, Thicknesses, Formal Names, ASTM Designations, etc.

To the best of our knowledge, these items are not available from any domestic steel mill because they are either too wide or too thin for the domestic mills' equipment to produce. As explained below, these steel products are very important to Berlin Metals and to Berlin's customers' manufacturing operations. Berlin Metals understands that the action the President could take under Section 203 of the Trade Act of 1974 could last up to five years and that there may be no procedure to request exclusions once the President takes action in early 2002. Accordingly, Berlin Metals is concerned with obtaining an exclusion for these items due to the unavailability of these products. In addition, the thinner items, .0072 and .0066 inches thick, remain in the scope of the 201 even after thicknesses 0.0045," 0.0050," 0.0061," and 0.0072" of this product in other Tempers were all

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<http://www.berlinmetals.com>



excluded from both the Cold Rolled anti-dumping cases filed before and after the current 201 was initiated!

The products for which Berlin Metals seeks exclusion are commonly referred to as Black Plate, Tin Plate and Tin Free Steel, all under a general heading of "Tin Mill Products". Our letter is intended to emphasize the need to exclude these products in the thicknesses and widths indicated on the attached Appendix from the scope of any remedy issued as a result of this Section 203 proceeding.

Below we provide an overview of Berlin Metals operations, number of employees, significance of our company to the United States marketplace and economy, steel product requirements, commitment to domestic sourcing of our steel requirements, and the possible harm to our company if we are unable to obtain these products for use in our operations and re-sale to our customers.

#### 1. Berlin Metals' United States Operations

Berlin Metals has been in existence since 1967. Berlin Metals conducts operations at a facility located in Hammond, Indiana, where the company functions as a Service Center distributor of prime Tin Mill Products (Tin Plate, Black Plate, TFS, Tin Coated Sheet) in slit coil form in North America. Additionally, Berlin Metals provides stainless steel strip, galvanized, light gauge cold rolled sheet and strip, and other coated steels in coil form. Further, Berlin has over 5 other stocking locations in the US to service customers nationwide. Berlin Metals sells the material referenced in the Appendix to various customers such as Federal Mogul Corporation, Dana Corporation, Ingersoll-Rand, etc., who make a diverse number of products such as engine gaskets, radiator fins, bakeware, cellular telephones, etc. Berlin's facilities reflect a total capital investment of \$15 million and employ approximately 75 persons.

In calendar year 2001, Berlin Metals produced approximately 100,000,000 (one hundred million) pounds of slit Tin Mill Products.

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<http://www.berlinmetals.com>



Berlin has been an employer for many years in Northwest Indiana consistently contributing to the local economy.

**2. Berlin Metals' Steel Input Requirements and Purchasing Experiences**

For our customers to manufacture automobile engine gaskets and other products, Berlin Metals must be able to purchase the Tin Mill Products listed in the Appendix. The use of these products is required for our customers to make the parts they sell to Ford, Chrysler, General Motors, Motorola and others. If our customers were unable to make their products because the base steel was not available, their customers would then have no choice but to buy these components from overseas companies who could buy this steel. In calendar year 2001, Berlin Metals purchased more than 4,000 tons of the Tin Mill Products listed on the for processing and re-sale to our customers in manufacturing auto gaskets, radiator fins, etc. Of this total amount, zero percent was obtained from United States domestic producers, with the remaining amounts purchased from France, Germany and Japan.

Berlin Metals does not purchases these Tin Mill Products listed on the from any U.S. mills because it is unavailable in the US as the United States producers do not have the technical or physical capability – or interest-- to produce the steel product at issue in sufficient quantities, meeting strict product tolerances, with acceptable qualities, in the required varieties.

Berlin Metals has been in regular and direct contact with sales representatives of all the domestic producers of Tin Mill Products for the last several years to try and place orders for the Tin Mill Product items shown on the attached Appendix without success. Our last attempts to procure these items were made in the last 3 months. The only Tin Mill Product producers in the US are Bethlehem Steel, National Steel, Ohio Coatings (Tin Plate only), USS Posco, US Steel and Wheeling Pittsburgh Steel (black plate only).



**3. Potential Harm to Berlin Metals if Unable to Obtain Wide Tin Mill Products and Thin Tin Mill Products from overseas Suppliers.**

As noted above, to the best of our knowledge, none of the very wide or very thin Tin Mill Products shown on the attached Appendix are available from any United States steel company. As explained below, Berlin Metals has significant concerns regarding the potential adverse impact on its operations, if it were unable to import these products in the future.

It would be disruptive to Berlin Metals' customer operations if its access to imported these wide and or thin Tin Mill Products were restricted. Specifically, such restrictions would likely have an immediate and negative impact on our operations and employees. Our company could be forced to significantly decrease our employment by 25% due to the inability to obtain wide and or thin Tin Mill Products because of quotas.

For the reasons identified above, it is essential that Berlin Metals have continued access to these wide and thin Single Reduced Tin Plate, Black Plate and Tin Free through an exclusion from any Section 201 import restrictions imposed by the President. Berlin Metals needs an exclusion for all the items listed on our Appendix from any Section 201 relief to avoid seriously disrupting its operations and adversely impacting the livelihood of its employees. Accordingly, Berlin Metals requests that these product be excluded from any remedy recommended in this investigation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Roy Berlin", is written over a printed name.

Roy Berlin, President

Attachment: Appendix A

**APPENDIX "A"**

Request for Exclusion on 201: List of Wide and or Thin Single Reduced Tin Mill Products Not Available in the US

Common Name	Harmonious Tariff System Number	Base Weight	Nominal Thickness (inches)	Temper Designation	Formal Name and ASTM designation	Width (inches)	End Use	Comments
Black Plate	7209.18.2500	60	.0066	Single Reduced, T-1 to T-5	Tin Mill Black Plate: A 623-00 & A 625-98	Any	Engine Gaskets	We have given inquiries to all the domestic mills and none can provide this material
Black Plate	7209.18.2500	65	.0072	Single Reduced, T-1 to T-5	Tin Mill Black Plate : A 623-00 & A 625-98	Any	Engine Gaskets, Pencil Ferrules, etc.	We have given inquiries to all the domestic mills and none can provide this material
Black Plate	7209.18.2500	70 to 126	.0077 to .0141	Single Reduced, T-1 to T-5	Tin Mill Black Plate : A 623-00 & A 625-98	wider than 40"	Engine Gaskets, Radiator Fins, other	We have given inquiries to all the domestic mills and none can provide this material
Tin Plate	7210.12.0000	60	.0066	Single Reduced, T-1 to T-5	Electrolytic Tin Plate: A 623-00 & A 624-98	Any	Engine Gaskets, other	We have given inquiries to all the domestic mills and none can provide this material
Tin Plate	7210.12.0000	65	.0072	Single Reduced, T-1 to T-5	Electrolytic Tin Plate: A 623-00 & A 624-98	Any	Engine Gaskets, cell phone shields, other	We have given inquiries to all the domestic mills and none can provide this material
Tin Plate	7210.12.0000	70 to 135	.0077 to .0149	Single Reduced, T-1 to T-5	Electrolytic Tin Plate: A 623-00 & A 624-98	wider than 36"	Engine Gaskets, other	We have given inquiries to all the domestic mills and none will provide this material. One mill is "listed" as capable to 40" but is not interested in the business as trial orders failed to make the parts.
Tin Free Steel (TFS)	7210.50.3000	70 to 180	.0077 to .020	Single Reduced, T-1 to T-5	Electrolytic Chromium-Coated Black Plate: A 623-00 & A 657-98	wider than 36"	Engine Gaskets, Bakeware, other	We have given inquiries to all the domestic mills and none can provide this material



AFFIDAVIT

City of Hammond) )  
State of Indiana) S.S.

I, Roy Berlin, President of Berlin Metals LLC, a steel service center, established in 1967 and located in Hammond, Indiana with an additional processing facility in Salt Lake City, Utah, do hereby attest that the following is a true and accurate explanation of why it is important that our company's ability to continue to buy certain wider width coils from overseas steel mills not be limited by any Section 201 or anti dumping actions.

Our company purchases large quantities of low carbon, flat rolled steel coils from high quality steel mills in the US and overseas. More specifically, the majority of our purchases fall within the product group called "Tin Mill Products" (TMP) which consists of Electrolytic Tin Plate (ETP) and Tin Mill Black Plate (TMBP). TMBP is essentially light gauge (less than .015" thick) Cold Rolled and for the purposes of import/export tariff classification, TMBP is grouped with Cold Rolled Steel.

We take these steel coils and, following our customers' specific requirements, cut them into narrower coils with a tolerance of less than .005" (5 thousandths of an inch). Our customers are manufacturers in the automotive, computer, telecommunication, hardware and packaging industries. They use our steel in a stamping, draw forming or roll forming operation to produce a diverse number of products such as engine gaskets, oil filters, radiator fins, paint trays and telephone cable. Our customers include such companies as Federal Mogul, Dana Corporation and Arvin Meritor.

Our customers' specifications require the steel to be a very specific combination of thickness, hardness, coating, finish and width. When we buy steel coils from overseas, it is usually because the material is not available in the US. Much of this lack of availability in the US relates to the width.

For ETP, no mill in the US, except one, has the ability to make anything wider than 37 1/2 inches, due to the physical limit of their tin plating lines. Mills in France, Germany, Holland, England and Korea have the physical ability to produce ETP as wide as 48". The one US mill that can produce wider than 37 1/2" can go to 39", but the ETP they supply has failed to make our customers parts where deep drawing is required. As a result, this mill will not accept an order for this drawn application.



For TMBP with a Rockwell hardness maximum of 61 or less on the 30T scale (Tempers "T-1", "T-2" and "T-3"), US mills cannot produce material wider than 40", due to the operational limits on their Temper rolling mill with this thinner material. For TMBP with a Rockwell hardness minimum of 57 or greater on the 30T scale (Tempers "T-4 and "T-5"), US mills cannot produce material wider than 37-38" due to the physical limits on their continuous annealing lines. The same overseas mills mentioned above are able to physically produce material up to 48" wide.

The reason these wider widths are necessary is because many of our customers stamp parts requiring coil widths of 18 1/2" to 23 3/4". The US mills have said that they will not accept orders for material that is this narrow as it gives uneven wear to their rolls and is extremely inefficient for their production. Nor, as is explained above, can they physically make material that is 2 times these widths. We order the coils from the overseas mills mentioned above who are able to produce coils that are 2 times the width our customers require. We then slit these wider coils into half, providing the exact widths specified by our customers.

It is imperative that these wider widths be exempted from any limiting action, whether it be 201 or anti-dumping. We would not have material to be able to supply to our customers who then would face the choice of either losing the business to overseas manufacturers of these parts or moving their own manufacturing of these parts to their own overseas facilities. In either case, there would be harm to our company and to other employees in the US who work in manufacturing.

A handwritten signature in black ink, appearing to read "Roy Berlin", written over a horizontal line.

Roy Berlin

Subscribed and sworn to before me this 25<sup>th</sup> day of October, 2001.

A handwritten signature in black ink, appearing to read "Phyllis Brunsting", written over a horizontal line.

Notary Public



**BARNES, RICHARDSON & COLBURN**

ATTORNEYS & COUNSELLORS AT LAW

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January 4, 2002

Ms. Gloria Blue  
Executive Secretary  
Trade Policy Staff Committee  
Office of the USTR  
600 17<sup>th</sup> Street, NW  
Washington, DC 20508

VIA ELECTRONIC MAIL

[fr0001@ustr.gov](mailto:fr0001@ustr.gov)

PUBLIC DOCUMENT

Re: Written Comments Filed On Behalf of Dana Corporation Concerning What Action the President Should Take Under Section 203(a) of the Trade Act Regarding Imports of Certain Steel (TA-201-73)

Dear Ms. Blue:

This submission is filed on behalf of the Victor Reinz Division of Dana Corporation ("Dana") pursuant to the Federal Register notice entitled Trade Policy Staff Committee: Public Comments on the Potential Action Under Section 203 of the Trade Act of 1974 With Regard to Imports of Certain Steel, 66 Fed. Reg. 54321 (October 26, 2001), and its amendments found at 66 Fed. Reg. 59599 (November 29, 2001) and 66 Fed. Reg. 67349 (December 28, 2001). In specific, Dana believes that the President should take no action under § 203(a) of the Trade Act as it applies to imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches.

Dana produces gaskets for major automotive original equipment manufacturers. These gaskets are produced from stampings in widths ranging from 18.500 inches to 23.750 inches (plus relevant tolerances). However, mills will not produce strips of this material in widths as narrow as those used to make the stampings. Therefore, Dana has been forced to purchase material that is

double the width of the gaskets and have the material slit to the appropriate width. Therefore, Dana purchases tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches.

Dana believes that the President should impose no remedy against imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches for two related reasons. First, Dana has not been able to source the vast majority of this material in the United States. There are very few mills in the United States that have the capability of producing electrolytic tin plate to a width of 37.5 inches. It is unclear that those few mills that can produce any of this material are able to produce the material to Dana's requirements and standards. Similarly, for the majority of Dana's use of tin mill black plate, the maximum widths available from United States mills will not allow Dana to produce its customers' gaskets in a cost-effective manner. Please see the submission of Berlin Metals LLC setting forth the extremely limited sourcing options for any of this material.

Further, Dana believes that the President should impose no remedy on this product because the finished product made from these tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width greater than 37.5 inches, plus or minus tolerances of 0.005 inches is Dana's sole option by which to produce merchandise in a commercially feasible manner. Dana is a major supplier to the large automotive manufacturers, and to severely disrupt the supply of this material where there either are extremely limited or no alternative domestic sourcing options simply puts end users and manufacturers using this material at risk of harm without assisting the United States steel industry. If the supply of this material were disrupted for a significant period of time, Dana would be unable to produce the gasket stampings made with this merchandise, and all of the major United States automobile manufacturers would have their production severely disrupted. The ripple effect of such action could affect multiple facilities and hundreds or thousands of American workers.

Third, Dana notes that there is no available substitute for the use of these coils in the required configuration. The tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width greater than 37.5 inches, plus or minus tolerances of 0.005 inches, as mentioned above, represent Dana's sole option by which to produce merchandise in a commercially feasible manner. There is simply no merchandise Dana could substitute that could be used as an alternative to this material. This lack of any viable substitute is a condition of competition in the United States and global steel industries which severely limits Dana's sourcing options for this material.

Finally, the domestic industry has advocated creating a "short supply" system as an alternative to granting exclusions from the scope of the case, or requesting that the President impose no remedy on certain products. This suggestion does not replace the need for exclusions or not imposing remedies. First, the business uncertainty of applying a short-supply system to imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches would severely disrupt Dana's ability to plan its business activities. In effect, this would be inequitably

imposing another burden on a company that is largely unable to purchase the material in question in the United States. Therefore, Dana requests that if no exclusion from the scope of this § 201 case is granted for the merchandise in question, a "short supply" mechanism not be utilized in lieu of recommending that the President impose no remedy on imports of this merchandise.

Thank you for your attention to this matter. Please feel free to contact us if you have any questions regarding this matter.

Very truly yours,

**BARNES, RICHARDSON & COLBURN**

By: *Kazumune V. Kano/DG7*

Kazumune V. Kano  
David G. Forgue

DAN 137  
DGF/ly

**BARNES, RICHARDSON & COLBURN**

ATTORNEYS & COUNSELLORS AT LAW

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FACSIMILE (202) 331-8746

January 4, 2002

Ms. Gloria Blue  
Executive Secretary  
Trade Policy Staff Committee  
Office of the USTR  
600 17<sup>th</sup> Street, NW  
Washington, DC 20508

**VIA ELECTRONIC MAIL**  
[fr0001@ustr.gov](mailto:fr0001@ustr.gov)

**PUBLIC DOCUMENT**

Re: Written Comments Filed On Behalf of Dana Corporation Concerning What Action the President Should Take Under Section 203(a) of the Trade Act Regarding Imports of Certain Steel (TA-201-73)

Dear Ms. Blue:

This submission is filed on behalf of the Victor Reinz Division of Dana Corporation ("Dana") pursuant to the Federal Register notice entitled Trade Policy Staff Committee: Public Comments on the Potential Action Under Section 203 of the Trade Act of 1974 With Regard to Imports of Certain Steel, 66 Fed. Reg. 54321 (October 26, 2001), and its amendments found at 66 Fed. Reg. 59599 (November 29, 2001) and 66 Fed. Reg. 67349 (December 28, 2001). In specific, Dana believes that the President should take no action under § 203(a) of the Trade Act as it applies to imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate over particular widths. In specific, Dana seeks to have no remedy imposed on imports of tin plate meeting all of the elements of the definition above, but with a width greater than 38.875 inches, plus or minus tolerances of 0.005 inches. In addition, Dana seeks to have no remedy imposed on imports of black plate meeting all of the elements of the definition above, but with a width greater than 42.000 inches, plus or minus tolerances of 0.005 inches.

Dana produces gaskets for major automotive original equipment manufacturers. These gaskets are produced from stampings in widths ranging from 18.500 inches to 23.750 inches (plus relevant tolerances). However, mills will not produce strips of this material in widths as narrow as those used to make the stampings. Therefore, Dana has been forced to purchase material that is double the width of the gaskets and have the material slit to the appropriate width. Therefore, Dana purchases tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches.

Dana believes that the President should impose no remedy against imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate in the width ranges set forth above. First, Dana is not been able to source this material in the United States. As discussed in the submission made by Berlin Metals LLC regarding the availability of wide width tin plate and black plate, domestic producers of tin mill products are not able to produce the material subject to this request. Therefore, no portion of the United States industry would be protected if a remedy were imposed on these imports. This is true for both tin plate and black plate materials.

Further, Dana believes that the President should impose no remedy on this product because the finished product made from these tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate within the width ranges discussed above is Dana's sole option by which to produce merchandise in a commercially feasible manner. Dana is a major supplier to the large automotive manufacturers, and to severely disrupt the supply of this material where there either are no alternative domestic sourcing options simply puts end users and manufacturers using this material at risk of harm without assisting the United States steel industry. If the supply of this material were disrupted for a significant period of time, Dana would be unable to produce the gasket stampings made with this merchandise, and all of the major United States automobile manufacturers would have *their* production severely disrupted. The ripple effect of such action could affect multiple facilities and hundreds or thousands of American workers.

Third, Dana notes that there is no available substitute for the use of these coils in the required configuration. The tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate within the width ranges discussed above represent Dana's sole option by which to produce merchandise in a commercially feasible manner. There is simply no merchandise Dana could substitute that could be used as an alternative to this material. This lack of any viable substitute is a condition of competition in the United States and global steel industries which severely limits Dana's sourcing options for this material.

Finally, the domestic industry has advocated creating a "short supply" system as an alternative to granting exclusions from the scope of the case, or requesting that the President impose no remedy on certain products. This suggestion does not replace the need for exclusions or not imposing remedies. First, the business uncertainty of applying a short-supply system to imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate within the width ranges discussed above would severely disrupt Dana's ability to plan its business activities. In effect, this would be inequitably imposing another burden on a company that is unable to purchase the material in question in the United States. Therefore, Dana requests that

if no exclusion from the scope of this § 201 case is granted for the merchandise in question, a "short supply" mechanism not be utilized in lieu of recommending that the President impose no remedy on imports of this merchandise.

Thank you for your attention to this matter. Please feel free to contact us if you have any questions regarding this matter.

Very truly yours,

**BARNES, RICHARDSON & COLBURN**

By: *Kazumune V. Kano/dg7*

Kazumune V. Kano  
David G. Forgue

DAN 137

**BARNES, RICHARDSON & COLBURN**

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February 1, 2002

**PUBLIC VERSION**

Gloria Blue  
Executive Secretary  
Trade Policy Staff Committee  
Office of the United States Trade Representative  
600 Seventeenth Street, N.W.  
Washington, DC 20508

VIA ELECTRONIC MAIL

[FR0001@ustr.gov](mailto:FR0001@ustr.gov)

**PUBLIC VERSION**

Re: Written Comments Filed on Behalf of Dana Corporation in Response to Domestic Parties Comments dated January 18, 2002 Concerning What Action the President Should Take Under Section 203(a) of the Trade Act Regarding Imports of Certain Steel (TA-201-73)

Dear Ms. Blue:

This submission is filed on behalf of Dana Corporation pursuant to the Federal Register Notice entitled Trade Policy Staff Committee; Public Comments on the Potential action Under Section 203 of the Trade Act of 1974 With Regard to Imports of Certain Steel, 66 Fed. Reg. 54321 (October 26, 2001), modified at 66 Fed. Reg. 59599 (November 29, 2001), and 66 Fed. Reg. 67349 (December 28, 2001). Specifically, Dana wishes to respond to certain domestic producer's objection to the exclusion of Dana's product Hot Rolled Steel Coils as well as other products to which no domestic producers have commented in Domestic Producers submission of January 18, 2002.<sup>1</sup>

Pursuant to 15 CFR 2003.6, Dana requests that certain information contained in this submission be treated as business confidential and not disclosed to the public. The specified information constitutes trade secrets, and commercial and financial information the disclosure of which is not authorized by Dana. In addition, in some instances, the information is confidential in the original document cited by Dana, and the confidentiality claim herein is derived entirely

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<sup>1</sup> Dana will not be commenting on those products for which it requested exclusion and to which the Domestic Producers have specifically stated that they do not object to the exclusion, provided U.S. suppliers cannot produce them. These products include Cold-Rolled Carbon Steel Strip with Aluminum Cladding on Each Side (X-104.ex1), ASTM A 463 DDS-Aluminized Steel (X-104.ex2 & X-067), and Aluminum Clad Steel Strip in Coils (X-104.ex3 & X-107).

## **PUBLIC VERSION**

from that of the original submitting party. In those cases, Dana is unable to include the bracketed material in the confidential version of its submission, since Dana does not have access to the original confidential version.

### **I. PRODUCTS**

#### **A. Hot-Rolled Steel Coils (recorded as X-104-ex.4)**

On November 13, 2001, Dana filed a request with the USTR to exclude hot rolled roils with a width of 76.500 inches, plus or minus tolerances of +0.250/-0.000, from these Section 201 proceedings (recorded as X-104-ex.4). On November 27, 2001 and January 4, 2002, Dana filed additional responses requesting this merchandise to be excluded from relief under §203 (ER-023) or that no remedy be imposed. Dana explained in these previous submissions that it had no viable domestic sourcing option for this merchandise, and therefore, exclusion of the merchandise from the scope of this case was appropriate. Dana also provided evidence in its previous submissions that all domestic producers believed capable of making this material were unable and/or unwilling to meet Dana's order for the material. Finally, Dana requested that in the event the product is not excluded from the scope of this case, the President take no action against imports of hot rolled coils with a width of 76.500 inches or greater.

In response to the latest comments submitted by the a group of major United States producers of steel on January 18, 2002, Dana hereby reiterates its request for the exclusion or no remedy of this product. Despite the clear and convincing evidence which Dana previously submitted, the domestic producers have objected to the exclusion of the product on the basis that it can be produced by LTV and National Steel Corporation ("NSC").

As stated in our submission of January 4, 2002, we believe the basis for the objection to the exclusion of these hot rolled steel coils to be invalid. First, [ ] is in bankruptcy proceedings and will have to shutdown and sell all integrated steel assets pursuant to an order issued by the U.S. Bankruptcy Court on December 7, 2001. Therefore, [ ] can no longer be considered a viable United States source that markets this steel meeting the definition above.

Even assuming that [ ] was able to stay in operation, neither [ ] nor [ ] appear to be a viable source of this product for Dana. Please find the attached Exhibit 1, in which we are resubmitting copies of correspondence received from [ ] and [ ] concerning Dana's requests to produce the material. Both companies responded to the requests by stating that [ ]. These statements are contrary to the assertions in the Domestic Industry Response submitted to the USTR on January 18, 2002, and show that [ ]

].

Again, Dana fully supports the position of the domestic industry position that "if the domestic industry cannot produce a particular product, such product can properly be excluded from the scope since applying a remedy to such an item would not address the injury sustained nor facilitate the industry." This rationale applies equally well in the context of the remedy the President should impose on a product. However, Dana strongly opposes the notion that remedies should be applied in cases where the domestic industry is technically capable to producing a product, but for a variety of reasons chooses not to produce the product.

To extend remedies to include this situation would only injure a major domestic automotive component manufacturer which employees tens of thousands of American workers and provide absolutely no benefit to the domestic steel industry as well as other United States steel consumers.

Dana has vigorously attempted to procure domestic production of this product from several domestic producers, and would purchase such steel from domestic purchasers if it were available. Because the domestic steel industry has clearly indicated to Dana that they cannot or will not provide the material, Dana again respectfully requests that these hot rolled steel coil products with a width of 76.500 inches or greater, plus or minus tolerances of +0.250/-0.000, be excluded from remedy or that the President take no action against these imports.

#### **B. Various Tin Mill Products Meeting ASTM standard A623-00**

On January 4, 2002, Dana submitted to the USTR comments regarding what actions the President should take under Section 203(a), in which it requested that no remedy be applied to the imports of three specific tin mill products. Because no domestic industry has specifically commented on these requests, Dana hereby resubmits its request with regard to these products.

Specifically, Dana requests that no remedy be imposed on tin mill products which meet ASTM standard A623-00, including electrolytic tin plate and tin mill black plate. The three products all meet these elements, and are more specifically described as follows:

1. ASTM A623-00, including electrolytic tin plate and tin mills black plate with a width greater than 37.5 inches (plus or minus 0.005 inches);
2. ASTM A-623-00, including electrolytic tin plate with a width greater than 38.875 inches (plus or minus 0.005 inches); and
3. ASTM 623-00 including tin mill black plate with a width greater than 42.00 inches (plus or minus 0.005 inches)

Dana uses these materials for the production of gaskets for major automotive equipment manufacturers. These gaskets are produced from stamping in widths ranging from 18.500 inches to 23.750 inches (plus relevant tolerances). However, mills will not produce strips of this material in widths as narrow as those used to make the stampings, thereby forcing Dana to purchase material that is double the width of the gaskets and have the material slit to the appropriate width.

Dana believes that the President should impose no remedy against importers of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate in the width ranges set forth above. First, Dana has not been able to source this material in the United States. As stated in the submission made by Berlin Metals LLC regarding the availability of wide width tin plate and black plate, domestic producers of tin mill products are not able to produce the material subject to this request. Therefore, no portion of the United States industry would be protected in a remedy were to be imposed on these imports. This is true for both tin plate and black plate materials.

There is no available substitute for the use of these coils in the required configuration. The tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate in the width ranges discussed above, represent Dana's sole option by which to produce merchandise in a commercially feasible manner. There is no merchandise which Dana could substitute that could be used as an alternative to this material. This lack of any viable substitute is a condition of competition and global steel industries which severely limits Dana's sourcing options for this material.

Finally, it should be noted that while the domestic industry has not commented on Dana's requests to seek no remedy for these tin mill products, these products are of equivalent chemistry and gauge as a tin mill product submitted for exclusion by Collier Shannon Scott on behalf of Maui Pineapple Company on November 13, 2001. Both the Domestic Producers submission of January 18, 2002 and the Minmill Coalition submission of January 21, 2002 have stated that there are no objections to the exclusion of Maui Pineapple's products from any remedy imposed provided that no U.S. supplier could produce it.

Dana reiterates its position that no remedy is appropriate for this material for two related reasons. First, Dana has not been able to source this material in the United States, and is of the belief that no domestic mill manufactures this material. While there are mills in the United States which produce tin mill products meeting ASTM standard A623-00, there are none to Dana's knowledge which do, or will produce this steel in the required width. Therefore, there is no amount of increased duty, tariff-rate quota, or quantitative restriction which would prevent or remedy any harm or threat of harm to domestic producers.

C. SAE 1050, SAE 1038, SAE 1541 hot-rolled special bar quality steel produced by basic oxygen furnace method from Canada

The last Dana product for which the domestic industry has not commented is hot rolled special bar quality steel produced by a basic oxygen blast furnace ("BOF") method in Canada meeting the requirements of SAE 1050M, SAE 1038, or SAE 1541. Dana has requested that the President not impose any remedy on this product in its submission to the USTR of January 4, 2002. Because no domestic industry has specifically commented on these requests, Dana hereby resubmits its request with regard to these products.

As explained in Dana's previous submission, BOF operations are relatively rare in the steel industry. They are used because they help ensure that the amount of residual elements in the steel produced by BOF technology is very low. This cleaner steel is vital in the production of motor vehicle axles, since residual impurities could easily cause catastrophic failure in the axle. Since public safety is of utmost concern to Dana, non-BOF produced steel is not material that Dana may substitute for BOF-produced steel.

It is important to note that BOF operations are relatively rare, and that it does not appear as if Dana will have the option of purchasing this material from a United States manufacturer. To the best of Dana's knowledge, there are only two domestic mills that have BOF operating capacity. Dana understands that one domestic producer has idled the facility that is capable of producing this material and the other has filed for bankruptcy and is in the process of shutting down and selling its integrated steel assets. Even if the BOF capacity of the remaining manufacturer were brought back into production, it is by no means clear that the plant would choose to manufacture SAE 1050M, SAE 1038, or SAE 1541 hot rolled special bar quality steel. Therefore, there is a very real possibility of having additional protection granted the domestic steel industry for a product used by Dana, but not produced in the United States.

As stated, Dana's main concern regarding this material is to ensure that it has a dependable source for the material to ensure a safe and reliable product to sell to its customers. There is no increased duty, tariff-rate quota, or quantitative restriction that would prevent or remedy any harm or threat of harm to United States producers if the United States are unable to provide a reliable supply. Therefore, Dana requests that the President not impose any remedy from imports of SAE 1050M, SAE 1038, or SAE 1541 hot rolled special bar quality steel produced by a basic oxygen blast furnace method in Canada.

## **II. CONCLUSION**

It must be stressed that Dana has demonstrated a strong commitment to the United States steel industry. Dana has attempted to procure domestic production of all products contained in this submission, only to find that no viable sources exist. Without any indication that the United States steel industry is able or willing to produce the products in question, no remedies provide any assistance to domestic producers. Dana again respectfully requests that the above referenced products be excluded from the scope of the 201 proceedings or that the President apply no remedy to these specific products.

Thank you for your attention to this matter. Please feel free to contact us if you have any questions regarding this matter.

Very truly yours,

**BARNES, RICHARDSON & COLBURN**

By: *Kazumune V. Kano/DG7*

Kazumune V. Kano  
David G. Forgue  
William J. Murphy

Attachment  
DAN-137  
KVK\DGFWJM\sp  
P:\sp\137\USTRsub-PUB.Feb.1,2002

EXHIBIT ONE<sup>1</sup>

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<sup>1</sup> This exhibit reflects confidential business communication and is confidential in its entirety.

**PUBLIC VERSION**

**CANNOT BE PUBLICLY SUMMARIZED**

**Declaration of Robert L. Owen  
Silgan Containers Corp.**

I, Robert L. Owen, declare and state to the best of my knowledge, information, and belief, that:

1. I serve as director of procurement for Silgan Containers Corporation, which is the largest producer of food cans and purchaser of tin mill products in the United States. We purchase nearly one million tons of tin mill products a year, which accounts for about one-half of all tin mill products consumed in the production of food cans. We have 38 processing plants around the country that transform the tin mill steel into steel cans.
2. All tin mill steel is not fungible. There are important differences between sizes and types of products. Indeed, Silgan has more than 600 different tin mill steel specifications for use in our can processing facilities..
3. Silgan purchases over 93 percent of our steel requirements from U.S. producers. Despite this commitment to purchasing domestically, Silgan must import certain products for use in specialized applications.
4. One of these products is "ultra wide tin free steel," which is tin free steel in gauges 75 lb. base box to 112 lb. base box, single reduced, continuously annealed, in widths equal or exceeding 42 inches. Prior to the imposition of antidumping duties last year, we sourced 42-inch wide tin free steel from Japan for use in making ends for food cans. We did this because our equipment is designed to run 42-inch wide coils, allowing us to stamp multiple ends per stroke. As a result of the antidumping duties, the 42-inch wide coils formerly purchased from Japan are now purchased from Holland.
5. Another product we require is "ultra wide tin plated D&I steel" which is tin coated steel in gauges from 80 lb to 110 lb per base box, single reduced, continuously annealed, in widths equal to or exceeding 45 inches. This metal is used to produce 2-piece drawn and ironed food cans. We purchase this material from Germany because no U.S. domestic producer is capable of producing this wide tin mill product.
6. No U.S. mill can produce 42-inch wide tin free steel or 45-inch wide tin plated steel. If we buy U.S. produced (narrower) coils we lose substantial output. This not only affects our costs, but it constrains our capacity. In order to meet our customer's requirements, these lines must operate 24 hours a day, 12 months per year, except for essential maintenance time and holidays. Reducing the output by using narrower coils means that we could not supply our customers needs from these facilities.
7. While I firmly believe that these products could not be injuring the domestic industry because they are not available in the U.S., I am concerned about the possibility of import restrictions. Tariffs or quotas could disrupt supply of these products, making it difficult to buy when needed. Such disruptions could restrict our ability to supply customers in a timely manner.

8. We have tried to obtain ultra wide tin free steel and ultra wide tin plated D&I from domestic producers, but have failed. These products simply are not available from within the United States and no U.S. product can replace it. If the Commission were to recommend restrictions on imports of these products, our costs would increase and our ability to meet our customers' demands would be in jeopardy, unfairly harming our business.

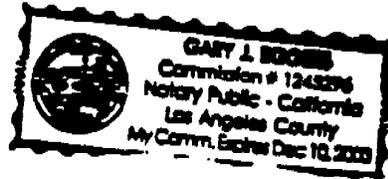
Robert L. Owen  
Robert L. Owen

Dated: 09-04-01

Subscribed and sworn to before me this 4<sup>th</sup> day of September 2001.

Gary J. Eggers  
Notary Public

My commission expires:



**TINPLATE D&I FOR TWO PIECE CANS (X-083.C3)**

**SUMMARY**

<b>Revision</b>	<ul style="list-style-type: none"> <li>• None. We have expanded our explanations but have not changed any of the specifications.</li> </ul>
<b>Other Requests</b>	<ul style="list-style-type: none"> <li>• Can Manufacturers' Coalition Exclusion Request #1 (X-160.1)</li> <li>• Silgan Containers' Request to Exclude Ultra-Wide Tin Mill Products (X-171)</li> </ul>
<b>Use</b>	<ul style="list-style-type: none"> <li>• Used in the manufacturing of food service containers</li> </ul>
<b>Product Characteristics</b>	<ul style="list-style-type: none"> <li>• Single-reduced tinplate in widths ranging from 750 millimeters to 1,230 millimeters and the following thicknesses:             <ul style="list-style-type: none"> <li>• 0.251 millimeters (90 pound base box)</li> <li>• 0.260 millimeters</li> <li>• 0.267 millimeters (95 pound base box)</li> <li>• 0.275 millimeters (97 pound base box)</li> <li>• 0.279 millimeters (100 pound base box)</li> </ul> </li> <li>• These products are imported under the HTS numbers 7210.12.0000 and 7210.50.0000.</li> <li>• These products possess type MR or higher chemical compositions and are continuously annealed with yield strengths between 295 mpa and 380 mpa and a tensile strength between 370 mpa and 455 mpa. These products have a minimum elongation of 20 percent and R-bar from 1.0 mini and Delta-R+/-0.30 with a shot blast finish roughness between 0.80 and 1.20 micrometers.</li> <li>• These products are designed for end-use D&amp;I and must be extra clean (free of nonmetallic inclusions). Therefore, the steel must be specially selected and the products produced on lines with nonmetallic inclusion detectors (IDD devices).</li> </ul>
<b>Total Quantity Imported in 2000</b>	<ul style="list-style-type: none"> <li>• 20 short tons imported by Usinor. (Usinor currently in qualification trials; expects to import based on future orders.)</li> </ul>

<p><b>Is this product produced by U.S. mills?</b></p>	<ul style="list-style-type: none"> <li>• No. Due to the stringent requirements placed on this product, it is necessary for U.S. end-users to pre-qualify potential suppliers. Currently, there are no domestic producers that have been qualified. While Weirton, BSC, USS and NSC can make commonly produced D&amp;I canstock, they cannot produce it to the above-listed specifications. The customer for this product has repeatedly sought to qualify a U.S. supplier; all except one filed to qualify. The U.S producer that did initially qualify was unable to maintain qualification when its trials were rejected for lack of gauge control and mechanical properties. (<i>See X-160.1</i>)</li> </ul>
<p><b>Will this product be used in place of other current imports?</b></p>	<ul style="list-style-type: none"> <li>• Because of its high price and unique applicability, this product is not competitively substituted for any other product.</li> </ul>
<p><b>Can this product be specifically identified for Customs purposes?</b></p>	<ul style="list-style-type: none"> <li>• This product is identifiable for Customs purposes by chemical, mechanical and physical properties.</li> </ul>

## REVISED EXCLUSION REQUEST

- (a) **The designation of the product under a recognized standard or certification (e.g., ASTM, DIN), or the commercial name for the product and the HTS number under which this product enters the United States;**

These tin mill products are imported under the HTS numbers 7210.12.0000 and 7210.50.0000.

- (b) **A description of the product based on physical characteristics (e.g., chemical composition, metallurgical properties, dimensions, surface quality) so as to distinguish the product from products for which exclusion is not sought;**

Single-reduced tinplate in widths ranging from 750 millimeters to 1,230 millimeters and the following thicknesses:

- 0.251 millimeters (90 pound base box)
- 0.260 millimeters
- 0.267 millimeters (95 pound base box)
- 0.275 millimeters (97 pound base box)
- 0.279 millimeters (100 pound base box)

These products possess type MR or higher chemical compositions and are continuously annealed with yield strengths between 295 mpa and 380 mpa and a tensile strength between 370 mpa and 455 mpa. These products have a minimum elongation of 20 percent and R-bar from 1.0 mini and Delta-R+/-0.30 with a shot blast finish roughness between 0.80 and 1.20 micrometers.

These products are designed for end-use D&I and must be extra clean (free of nonmetallic inclusions). Therefore, the steel must be specially selected and the products produced on lines with nonmetallic inclusion detectors (IDD devices).

- (c) **The basis for requesting an exclusion;**

Due to the stringent requirements placed on this product, it is necessary for U.S. end-users to pre-qualify potential suppliers. Currently, there are no domestic producers that have been qualified. While Weirton, BSC, USS and NSC can make commonly produced D&I canstock, they cannot produce it to the above-listed specifications. The customer for this product has repeatedly sought to qualify a U.S. supplier; all except one filed to qualify. The U.S producer that did initially qualify was unable to maintain qualification when its trials were rejected for lack of gauge control and mechanical properties. (See X-160.1, X-171)

- (d) **The names and locations of any producers, in the United States and foreign countries, of the product;**

There are no domestic producers that have been qualified. There are some producers in Japan and Europe capable of producing these products.

- (e) **Total U.S. consumption of the product, if any, by quantity and value for each year, from 1996-2000, and projected annual consumption for each year from 2001-2005, with an explanation of the basis for the projection;**

Response contains confidential information. *See* original submission, November 13, 2001.

- (f) **Total U.S. production of the Product for each year from 1996-2000, if any;**

None.

- (g) **The identity of any U.S. produced substitute for the product, total U.S. production of the substitute for each year from 1996 to 2000, and the names of any U.S. producers of the substitute.**

We are not currently aware of any substitutes for this product. Domestic producers do not cite to any U.S.-produced substitutes.

- (h) **Parties supporting this request.**

- Ball Corporation, *see* Can Manufacturers' Coalition Exclusion Request #1 (X-160.1).
- Silgan Containers, *see* Request to Exclude Ultra-Wide Tin Mill Products (X-171)
- *See also* attached declaration.

- (i) **Contact Person.**

For any questions regarding this request, please contact:

Lisa Raisner  
SHEARMAN & STERLING  
801 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel: 202-508-8049  
Fax: 202-508-8100  
E-mail: lraisner@shearman.com

**Declaration of Robert L. Owen**  
**Silgan Containers Corp.**

I, Robert L. Owen, declare and state to the best of my knowledge, information, and belief, that:

1. I serve as director of procurement for Silgan Containers Corporation, which is the largest producer of food cans and purchaser of tin mill products in the United States. We purchase nearly one million tons of tin mill products a year, which accounts for about one-half of all tin mill products consumed in the production of food cans. We have 38 processing plants around the country that transform the tin mill steel into steel cans.
2. All tin mill steel is not fungible. There are important differences between sizes and types of products. Indeed, Silgan has more than 600 different tin mill steel specifications for use in our can processing facilities..
3. Silgan purchases over 93 percent of our steel requirements from U.S. producers. Despite this commitment to purchasing domestically, Silgan must import certain products for use in specialized applications.
4. One of these products is "ultra wide tin free steel," which is tin free steel in gauges 75 lb. base box to 112 lb. base box, single reduced, continuously annealed, in widths equal or exceeding 42 inches. Prior to the imposition of antidumping duties last year, we sourced 42-inch wide tin free steel from Japan for use in making ends for food cans. We did this because our equipment is designed to run 42-inch wide coils, allowing us to stamp multiple ends per stroke. As a result of the antidumping duties, the 42-inch wide coils formerly purchased from Japan are now purchased from Holland.
5. Another product we require is "ultra wide tin plated D&I steel" which is tin coated steel in gauges from 80 lb to 110 lb per base box, single reduced, continuously annealed, in widths equal to or exceeding 45 inches. This metal is used to produce 2-piece drawn and ironed food cans. We purchase this material from Germany because no U.S. domestic producer is capable of producing this wide tin mill product.
6. No U.S. mill can produce 42-inch wide tin free steel or 45-inch wide tin plated steel. If we buy U.S. produced (narrower) coils we lose substantial output. This not only affects our costs, but it constrains our capacity. In order to meet our customer's requirements, these lines must operate 24 hours a day, 12 months per year, except for essential maintenance time and holidays. Reducing the output by using narrower coils means that we could not supply our customers needs from these facilities.
7. While I firmly believe that these products could not be injuring the domestic industry because they are not available in the U.S., I am concerned about the possibility of import restrictions. Tariffs or quotas could disrupt supply of these products, making it difficult to buy when needed. Such disruptions could restrict our ability to supply customers in a timely manner.

8. We have tried to obtain ultra wide tin free steel and ultra wide tin plated D&I from domestic producers, but have failed. These products simply are not available from within the United States and no U.S. product can replace it. If the Commission were to recommend restrictions on imports of these products, our costs would increase and our ability to meet our customers' demands would be in jeopardy, unfairly harming our business.

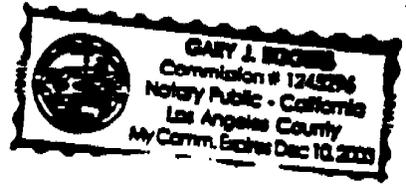
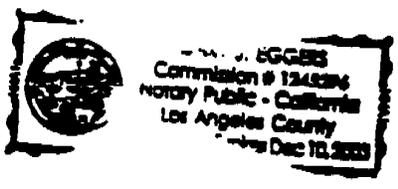
Robert L. Owen  
Robert L. Owen

Dated: 09-04-01

Subscribed and sworn to before me this 4<sup>th</sup> day of September 2001.

Gary J. Rogers  
Notary Public

My commission expires:



**TIN MILL PRODUCTS FOR EASY-OPEN ENDS (X-083.C4)**

**SUMMARY**

<b>Revision</b>	<ul style="list-style-type: none"> <li>We have dropped DRD can bodies from this request, which are covered by another request. In addition, we have expanded our explanations on the EOE request, but did not change any of the specifications.</li> </ul>
<b>Other Requests</b>	<ul style="list-style-type: none"> <li>Can Manufacturers' Coalition Exclusion Request #2</li> </ul>
<b>Use</b>	<ul style="list-style-type: none"> <li>Used in the manufacturing of food service containers</li> </ul>
<b>Product Characteristics</b>	<ul style="list-style-type: none"> <li>Tinmill products for easy-open are imported under HTS number 7210.12.0000.</li> <li>This product is part of a broader category of steel coated with tin and/or chromium with a thickness below 0.50 mm, yield strengths between 420 mpa and 750 mpa, and minimum elongation between 4 and 22 percent.</li> </ul>
<b>Total Quantity Imported in 2000</b>	<ul style="list-style-type: none"> <li>None. (Usinor currently in qualification trials; expects to import based on future orders.)</li> </ul>
<b>Is this product produced by U.S. mills?</b>	<ul style="list-style-type: none"> <li>No. The U.S. customer currently purchases small amounts of this product to produce the end stock for "easy opening, low energy" (EOLE) cans that are being introduced into the U.S. market. (These are the pull top end-units with a tab used in vegetable, meat, soups, and pet food cans. The end units require steel with a combination of extra-clean quality and certain unique physical properties that Usinor's mills currently produce, but U.S. mills do not. Usinor's mills have non-metallic inclusion (i.e. defect) detectors in place on their lines, while U.S. mills do not.</li> <li>U.S. customer is currently working with several domestic producers, some are now in the qualification trial stage, but has no guarantees that these producers will ultimately qualify. Therefore, presently and in the foreseeable future, this material is not available domestically.</li> </ul>
<b>Will this product be used in place of other current imports?</b>	<ul style="list-style-type: none"> <li>Because of its high price and unique applicability, this product is not competitively substituted for any other product.</li> </ul>
<b>Can this product be specifically identified for Customs purposes?</b>	<ul style="list-style-type: none"> <li>This product is identifiable for Customs purposes by chemical, mechanical and physical properties, as well as trademark.</li> </ul>

## REVISED EXCLUSION REQUEST

- (a) **The designation of the product under a recognized standard or certification (e.g., ASTM, DIN), or the commercial name for the product and the HTS number under which this product enters the United States;**

Tinmill products for easy-open ends are imported under HTS number 7210.12.0000.

- (b) **A description of the product based on physical characteristics (e.g., chemical composition, metallurgical properties, dimensions, surface quality) so as to distinguish the product from products for which exclusion is not sought;**

These products consist of steel coated with tin and/or chromium with a thickness below 0.50 mm, yield strengths between 420 mpa and 750 mpa, and minimum elongation between 4 and 22 percent.

- (c) **The basis for requesting an exclusion;**

Usinor is the sole manufacturer of this product and, therefore, does not compete with any domestic mills. The U.S. customer currently purchases small amounts of this product to produce the end stock for "easy opening, low energy" cans that are being introduced into the U.S. market. (These are the pull top end-units with a tab used in vegetable, meat, soups, and pet food cans. The end units require steel with a combination of extra-clean quality and certain unique physical properties that Usinor's mills currently produce, but U.S. mills do not. Usinor's mills have non-metallic inclusion (i.e. defect) detectors in place on their lines, while U.S. mills do not.

The U.S. customer is currently working with several domestic producers, some are now in the qualification trial stage, but has no guarantees that these producers will ultimately qualify. Therefore, presently and in the foreseeable future, this material is not available domestically. (See X-160.2)

- (d) **The names and locations of any producers, in the United States and foreign countries, of the product;**

None.

- (e) **Total U.S. consumption of the product, if any, by quantity and value for each year, from 1996-2000, and projected annual consumption for each year from 2001-2005, with an explanation of the basis for the projection;**

Response contains confidential information. See original submission, November 13, 2001.

- (f) **Total U.S. production of the Product for each year from 1996-2000, if any;**

None.

- (g) The identity of any U.S. produced substitute for the product, total U.S. production of the substitute for each year from 1996 to 2000, and the names of any U.S. producers of the substitute.**

We are not aware of any U.S.-produced substitutes for this product. Domestic producers do not cite to any U.S.-produced substitutes.

- (h) Parties supporting this request.**

Crown Cork and Seal Company. *See* Can Manufacturers' Coalition Exclusion Request #2.

- (i) Contact Person.**

For any questions regarding this request, please contact:

Lisa Raisner  
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801 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
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Fax: 202-508-8100  
E-mail: [lraisner@shearman.com](mailto:lraisner@shearman.com)

**LACQUERED, VARNISHED OR PRINTED TINMILL PRODUCTS (X-083.C5)**

**SUMMARY**

<b>Revisions</b>	<ul style="list-style-type: none"> <li>• We have expanded the explanation of "organic coated," but did not modify the specifications.</li> </ul>
<b>Use</b>	<ul style="list-style-type: none"> <li>• Lacquered, varnished and printed tinmill products are used in the manufacture of food service containers.</li> </ul>
<b>Product Characteristics</b>	<ul style="list-style-type: none"> <li>• Lacquered, varnished and printed tinmill products are imported under HTS numbers 7210.12.0000 and 7210.50.0000.</li> <li>• This request covers two products:             <ul style="list-style-type: none"> <li>○ Sheets or coils electrolytically coated with tin and/or chromium with a thickness below 0.50 millimeters, then lacquered or varnished with epoxy and organosol coatings suitable for food service applications.</li> <li>○ Sheets electrolytically coated with tin and/or chromium with a thickness below 0.50 millimeters, then printed with customer labels.</li> </ul> </li> </ul>
<b>Total Quantity Imported in 2000</b>	<ul style="list-style-type: none"> <li>• None. (Usinor currently in qualification trials; expects to import based on future orders.)</li> </ul>
<b>Is this product produced by U.S. mills?</b>	<ul style="list-style-type: none"> <li>• No.</li> </ul>
<b>Will this product be used in place of other current imports?</b>	<ul style="list-style-type: none"> <li>• Because of its high price and unique applicability, this product is not competitively substituted for any other product.</li> </ul>
<b>Can this product be specifically identified for Customs purposes?</b>	<ul style="list-style-type: none"> <li>• This product is identifiable for Customs purposes by chemical, mechanical and physical properties.</li> </ul>

## REVISED EXCLUSION REQUEST

- (a) **The designation of the product under a recognized standard or certification (e.g., ASTM, DIN), or the commercial name for the product and the HTS number under which this product enters the United States;**

Lacquered, varnished and printed tinmill products are imported under HTS numbers 7210.12.0000 and 7210.50.0000.

- (b) **A description of the product based on physical characteristics (e.g., chemical composition, metallurgical properties, dimensions, surface quality) so as to distinguish the product from products for which exclusion is not sought;**

This request covers two products:

- Sheets or coils electrolytically coated with tin and/or chromium with a thickness below 0.50 millimeters, then lacquered or varnished with epoxy and organosol coatings suitable for food service applications.
- Sheets electrolytically coated with tin and/or chromium with a thickness below 0.50 millimeters, then printed with customer labels.

- (c) **The basis for requesting an exclusion;**

There are no U.S. producers of this product.

- (d) **The names and locations of any producers, in the United States and foreign countries, of the product;**

There are currently no U.S. producers of this product. European producers Corus and Rasselstein have the ability to produce this product.

- (e) **Total U.S. consumption of the product, if any, by quantity and value for each year, from 1996-2000, and projected annual consumption for each year from 2001-2005, with an explanation of the basis for the projection;**

Response contains confidential information. *See* original submission, November 13, 2001.

- (f) **Total U.S. production of the Product for each year from 1996-2000, if any;**

There are currently no U.S. producers of this product.

- (g) **The identity of any U.S. produced substitute for the product, total U.S. production of the substitute for each year from 1996 to 2000, and the names of any U.S. producers of the substitute.**

We are not aware of any U.S. produced substitutes for this product. Domestic producers do not cite to any U.S.-produced substitutes.

**(h) Parties supporting this request.**

N/A

**(i) Contact Person.**

For any questions regarding this request, please contact:

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801 Pennsylvania Avenue, N.W.  
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Fax: 202-508-8100  
E-mail: [lraisner@shearman.com](mailto:lraisner@shearman.com)

**ELECTROGALVINIZED AND LACQUERED STRIPS FOR TABSTOCK (X-083.C6)**

**SUMMARY**

<b>Revision</b>	<ul style="list-style-type: none"> <li>• In response to comments from the domestic industry, we revised thickness from 0.5mm and below to 0.36mm and below. There are no domestic producers of this product at these thicknesses.</li> </ul>
<b>Other Requests</b>	<ul style="list-style-type: none"> <li>• Can Manufacturers' Coalition Exclusion request #3 (X-160.3)</li> </ul>
<b>Use</b>	<ul style="list-style-type: none"> <li>• Primarily used for the production of easy-open can ends</li> </ul>
<b>Product Characteristics</b>	<ul style="list-style-type: none"> <li>• Electrogalvanized and lacquered strips for tabstock are imported under HTS numbers 7210.12.0000 and 7210.50.0000 and have ASTM specification A623 type MR.</li> <li>• Tinsplate and chromium plated coil with a thickness below 0.36 millimeters and a maximum width of 120 millimeters lacquered or varnished. There is no specific chemical requirements other than those specified in ASTM A623 type MR.</li> </ul>
<b>Total Quantity Imported in 2000</b>	<ul style="list-style-type: none"> <li>• None. (Usinor currently in qualification trials; expects to import based on future orders.)</li> </ul>
<b>Is this product produced by U.S. mills?</b>	<ul style="list-style-type: none"> <li>• No.</li> </ul>
<b>Will this product be used in place of other current imports?</b>	<ul style="list-style-type: none"> <li>• Because of its high price and unique applicability, this product is not competitively substituted for any other product.</li> </ul>
<b>Can this product be specifically identified for Customs purposes?</b>	<ul style="list-style-type: none"> <li>• This product is identifiable for Customs purposes by chemical, mechanical and physical properties.</li> </ul>

## REVISED EXCLUSION REQUEST

- (a) **The designation of the product under a recognized standard or certification (e.g., ASTM, DIN), or the commercial name for the product and the HTS number under which this product enters the United States;**

Electrogalvanized and lacquered strips for tabstock are imported under HTS numbers 7210.12.0000 and 7210.50.0000 and have ASTM specification A623 type MR.

- (b) **A description of the product based on physical characteristics (e.g., chemical composition, metallurgical properties, dimensions, surface quality) so as to distinguish the product from products for which exclusion is not sought;**

Tinplate and chromium plated coil with a thickness below 0.36 millimeters and a maximum width of 120 millimeters lacquered or varnished. There is no specific chemical requirements other than those specified in ASTM A623 type MR. This product is used for the production of easy-open can ends and is not produced by any domestic mills.

- (c) **The basis for requesting an exclusion;**

There is no U.S. production of this product to the specifications listed above.

- (d) **The names and locations of any producers, in the United States and foreign countries, of the product;**

This product is not produced by any domestic mill. Usinor does not have information regarding other foreign producers of this product.

- (e) **Total U.S. consumption of the product, if any, by quantity and value for each year, from 1996-2000, and projected annual consumption for each year from 2001-2005, with an explanation of the basis for the projection;**

Response contains confidential information. *See* original submission, November 13, 2001.

- (f) **Total U.S. production of the Product for each year from 1996-2000, if any;**

None. This product is not produced by any domestic mills.

- (g) **The identity of any U.S. produced substitute for the product, total U.S. production of the substitute for each year from 1996 to 2000, and the names of any U.S. producers of the substitute.**

We are not aware of any U.S.-produced substitutes for this product. Domestic producers do not cite to any U.S.-produced substitutes.

**(h) Parties supporting this request.**

Crown Cork and Seal Company. *See* X-160.3.

**(i) Contact Person.**

For any questions regarding this request, please contact:

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Fax: 202-508-8100  
E-mail: [lraisner@shearman.com](mailto:lraisner@shearman.com)

**TIN MILL BLACK PLATE (X-083.C7)**

**SUMMARY**

<b>Revision</b>	<ul style="list-style-type: none"><li>• Our initial submission included tin mill black plate in our requests for the exclusion of broader tin mill products. In response to comment and additional information on domestic production, we have separated tin mill black plate from our other tin mill exclusion requests and more narrowly defined the specifications.</li></ul>
<b>Use</b>	<ul style="list-style-type: none"><li>• Primarily used for gaskets manufacturing and miscellaneous automotive parts manufacturing.</li></ul>
<b>Product Characteristics</b>	<ul style="list-style-type: none"><li>• Tin mill black plate products made to ASTM A623-00 and A624-98 specifications are normally imported under HTS numbers 7209.18.2500.</li><li>• This request covers two products:<ul style="list-style-type: none"><li>○ Tin mill black plate with thicknesses below 107 basis weight and widths greater than 40.75 inches.</li><li>○ Tin mill black plate with thicknesses equal to and greater than 107 basis weight and widths greater than 42 inches.</li></ul></li></ul>
<b>Total Quantity Imported in 2000</b>	<ul style="list-style-type: none"><li>• Nonc. (Usinor currently in qualification trials; expects to import based on future orders.)</li></ul>
<b>Is this product produced by U.S. mills?</b>	<ul style="list-style-type: none"><li>• No</li></ul>
<b>Will this product be used in place of other current imports?</b>	<ul style="list-style-type: none"><li>• Because of its high price and unique applicability, this product is not competitively substituted for any other product.</li></ul>
<b>Can this product be specifically identified for Customs purposes?</b>	<ul style="list-style-type: none"><li>• This product is identifiable for Customs purposes by its physical properties.</li></ul>

## REVISED EXCLUSION REQUEST

- (a) **The designation of the product under a recognized standard or certification (e.g., ASTM, DIN), or the commercial name for the product and the HTS number under which this product enters the United States;**

Tin mill black plate products made to ASTM A623-00 and A624-98 specifications are normally imported under HTS numbers 7209.18.2500.

- (b) **A description of the product based on physical characteristics (e.g., chemical composition, metallurgical properties, dimensions, surface quality) so as to distinguish the product from products for which exclusion is not sought;**

This request covers two products:

- Single reduced tin mill black plate with temper designations T1 to T5, thicknesses below 107 basis weight and widths equal to and greater than 40 inches.
- Single reduced tin mill black plate with temper designations T1 to T5, thicknesses equal to and greater than 107 basis weight and widths equal to and greater than 42 inches.

- (c) **The basis for requesting an exclusion;**

There are no U.S. producers of this product.

- (d) **The names and locations of any producers, in the United States and foreign countries, of the product;**

There are no U.S. producers of this product.

- (e) **Total U.S. consumption of the product, if any, by quantity and value for each year, from 1996-2000, and projected annual consumption for each year from 2001-2005, with an explanation of the basis for the projection;**

Response contains confidential information. See original submission, November 13, 2001.

- (f) **Total U.S. production of the Product for each year from 1996-2000, if any;**

None.

- (g) **The identity of any U.S. produced substitute for the product, total U.S. production of the substitute for each year from 1996 to 2000, and the names of any U.S. producers of the substitute.**

We are unaware of any U.S.-produced substitute for this product. Domestic producers do not cite to any U.S.-produced substitutes.

- (h) **Parties supporting this request.**

Berlin Metals (*see attached*)

Dana Corporation (*see attached*)

**(i) Contact Person.**

For any questions regarding this request, please contact:

Lisa Raisner  
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Washington, D.C. 20004  
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Fax: 202-508-8100  
E-mail: [lraisner@shearman.com](mailto:lraisner@shearman.com)

Date: January 4, 2002

Re: Availability of wide widths of Tin Plate and Black Plate

From: Roy Berlin, President of Berlin Metals LLC

To: United States Trade Representative

Electronic Mail

[fr001@ustr.gov](mailto:fr001@ustr.gov)

PUBLIC DOCUMENT

Berlin Metals LLC is a steel service center specializing in the processing of wide coils into narrow coils for various industries such as automotive, telecommunication, cookware, computer, etc. in the US. The majority of products that we purchase from steel mills to process for our customers are Tin Mill Products. Tin Mill Products primarily consist of uncoated, light gauge Cold Rolled Steel commonly called "Black Plate", this same Black Plate electrolytically coated with tin, referred to as Tin Plate, and this same Black Plate electrolytically coated with chrome, referred to as Tin Free Steel or TFS. Tin Mill Products have had an affirmative injury ruling by the ITC in the Section 201 proceedings with a recommended tariff of 20% to be imposed.

Our company has contacted all the steel mills in the US who are able to produce Tin Mill Products to ask them again to quote a price to make the products we require for our customers. On November 1, 2001 we sent letters to the following companies, with follow up telephone calls when necessary, asking them to advise us if they can produce material outside the normal published widths to meet the requirements of some of our automotive gasket, radiator and other customers. Among the products for which production was requested are tin mill products meeting ASTM standard A 623-00, including electrolytic tin plate and tin mill black plate. The requests for these materials covered a range of widths. The companies contacted and their answers are summarized below.

#### **Bethlehem Steel**

Bethlehem's representative replied that Bethlehem Steel could not produce any of the widths we inquired for.

#### **National Steel**

National's representative replied that National Steel could not produce any of the widths we inquired for.

#### **Nippon Steel America (NSA), sales agents for Ohio Coatings Company (OCC)**

To date, we have not received an answer to our facsimile or telephone call to NSA. We can only assume that the mill is unable to provide the specifications we require.

Date: January 4, 2002

Re: Availability of wide widths of Tin Plate and Black Plate

From: Roy Berlin, President of Berlin Metals LLC

To: United States Trade Representative

Via Electronic Mail

[fr001@ustr.gov](mailto:fr001@ustr.gov)

PUBLIC DOCUMENT

Page 2

**USS-Posco**

USS-Posco's representative stated that all of the widths we inquired for were outside USS Posco's limits.

**US Steel**

To date, we have not received an answer to our facsimile or telephone call to US Steel. We can only assume that the mill is unable to provide the specifications we require.

**Weirton Steel**

Weirton's representative indicated that Weirton would accept a trial order for the following 2 items and would not be able to produce the other items we inquired for. We did enter trial orders for:

Black Plate, 75 BW (.0083" nom.), T-4, Matte Finish, 40.75" X Coil

Tin Plate, 135 BW (.0149 nom.), T-1, 25 Coating, Matte Finish, 38.875" X Coil

**Wheeling Pittsburgh Steel (WP)**

Wheeling Pittsburgh's representative indicated that WP could only produce the following item:

Black Plate, 112 BW (.0123 nom.), T-2, Matte Finish, 42" X Coil

Based on the above, we renew our urgent request for exclusions of wide width material in both the Section 201 case on Tin Mill Products and the Anti-dumping investigation of Cold Rolled Steel imports. These wider widths are, with scant exception, outside the everyday capabilities of all of the US producers of Tin Mill Products.

---

Roy Berlin



January 9, 2002

VIA OVERNIGHT MAIL /  
VIA E-MAIL TO: fr0001@ustr.gov AND astephens@ustr.gov

Ms. Gloria Blue  
Executive Secretary, TPSC  
Office of the U.S. Trade Representative  
602 Seventeenth Street, N.W.  
Washington, D.C. 20508

Re: Exclusion Request Concerning Potential Action Under Section 203 of the Trade Act of 1974 With Regard to Imports of Certain Steel from Japan

Dear Ms. Blue:

This letter is filed by Berlin Metals, LLC to request that the Trade Policy Staff Committee ("TPSC") recommend excluding several items of Tin Mill Products, classified under ASTM A 623-00, A 624-98, A 625-98 and A 657-98 from the scope of any action that the President may take under Section 203 of the Trade Act of 1974. The attached table, labeled "Appendix A", lists these items with their common names, Harmonious Tariff System Numbers, Thicknesses, Formal Names, ASTM Designations, etc.

To the best of our knowledge, these items are not available from any domestic steel mill because they are either too wide or too thin for the domestic mills' equipment to produce. As explained below, these steel products are very important to Berlin Metals and to Berlin's customers' manufacturing operations. Berlin Metals understands that the action the President could take under Section 203 of the Trade Act of 1974 could last up to five years and that there may be no procedure to request exclusions once the President takes action in early 2002. Accordingly, Berlin Metals is concerned with obtaining an exclusion for these items due to the unavailability of these products. In addition, the thinner items, .0072 and .0066 inches thick, remain in the scope of the 201 even after thicknesses 0.0045," 0.0050," 0.0061," and 0.0072" of this product in other Tempers were all

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<http://www.berlinmetals.com>



excluded from both the Cold Rolled anti-dumping cases filed before and after the current 201 was initiated!

The products for which Berlin Metals seeks exclusion are commonly referred to as Black Plate, Tin Plate and Tin Frec Steel, all under a general heading of "Tin Mill Products". Our letter is intended to emphasize the need to exclude these products in the thicknesses and widths indicated on the attached Appendix from the scope of any remedy issued as a result of this Section 203 proceeding.

Below we provide an overview of Berlin Metals operations, number of employees, significance of our company to the United States marketplace and economy, steel product requirements, commitment to domestic sourcing of our steel requirements, and the possible harm to our company if we are unable to obtain these products for use in our operations and re-sale to our customers.

#### **1. Berlin Metals' United States Operations**

Berlin Metals has been in existence since 1967. Berlin Metals conducts operations at a facility located in Hammond, Indiana, where the company functions as a Service Center distributor of prime Tin Mill Products (Tin Plate, Black Plate, TFS, Tin Coated Sheet) in slit coil form in North America. Additionally, Berlin Metals provides stainless steel strip, galvanized, light gauge cold rolled sheet and strip, and other coated steels in coil form. Further, Berlin has over 5 other stocking locations in the US to service customers nationwide. Berlin Metals sells the material referenced in the Appendix to various customers such as Federal Mogul Corporation, Dana Corporation, Ingersoll-Rand, etc., who make a diverse number of products such as engine gaskets, radiator fins, bakeware, cellular telephones, etc. Berlin's facilities reflect a total capital investment of \$15 million and employ approximately 75 persons.

In calendar year 2001, Berlin Metals produced approximately 100,000,000 (one hundred million) pounds of slit Tin Mill Products.

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<http://www.berlinmetals.com>



Berlin has been an employer for many years in Northwest Indiana consistently contributing to the local economy.

**2. Berlin Metals' Steel Input Requirements and Purchasing Experiences**

For our customers to manufacture automobile engine gaskets and other products, Berlin Metals must be able to purchase the Tin Mill Products listed in the Appendix. The use of these products is required for our customers to make the parts they sell to Ford, Chrysler, General Motors, Motorola and others. If our customers were unable to make their products because the base steel was not available, their customers would then have no choice but to buy these components from overseas companies who could buy this steel. In calendar year 2001, Berlin Metals purchased more than 4,000 tons of the Tin Mill Products listed on the for processing and re-sale to our customers in manufacturing auto gaskets, radiator fins, etc. Of this total amount, zero percent was obtained from United States domestic producers, with the remaining amounts purchased from France, Germany and Japan.

Berlin Metals does not purchases these Tin Mill Products listed on the from any U.S. mills because it is unavailable in the US as the United States producers do not have the technical or physical capability – or interest-- to produce the steel product at issue in sufficient quantities, meeting strict product tolerances, with acceptable qualities, in the required varieties.

Berlin Metals has been in regular and direct contact with sales representatives of all the domestic producers of Tin Mill Products for the last several years to try and place orders for the Tin Mill Product items shown on the attached Appendix without success. Our last attempts to procure these items were made in the last 3 months. The only Tin Mill Product producers in the US are Bethlehem Steel, National Steel, Ohio Coatings (Tin Plate only), USS Posco, US Steel and Wheeling Pittsburgh Steel (black plate only).



**3. Potential Harm to Berlin Metals if Unable to Obtain Wide Tin Mill Products and Thin Tin Mill Products from overseas Suppliers.**

As noted above, to the best of our knowledge, none of the very wide or very thin Tin Mill Products shown on the attached Appendix are available from any United States steel company. As explained below, Berlin Metals has significant concerns regarding the potential adverse impact on its operations, if it were unable to import these products in the future.

It would be disruptive to Berlin Metals' customer operations if its access to imported these wide and or thin Tin Mill Products were restricted. Specifically, such restrictions would likely have an immediate and negative impact on our operations and employees. Our company could be forced to significantly decrease our employment by 25% due to the inability to obtain wide and or thin Tin Mill Products because of quotas.

For the reasons identified above, it is essential that Berlin Metals have continued access to these wide and thin Single Reduced Tin Plate, Black Plate and Tin Free through an exclusion from any Section 201 import restrictions imposed by the President. Berlin Metals needs an exclusion for all the items listed on our Appendix from any Section 201 relief to avoid seriously disrupting its operations and adversely impacting the livelihood of its employees. Accordingly, Berlin Metals requests that these product be excluded from any remedy recommended in this investigation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Roy Berlin", is written over a horizontal line.

Roy Berlin, President

Attachment: Appendix A

**APPENDIX "A"**

Request for Exclusion on 201: List of Wide and or Thin Single Reduced Tin Mill Products Not Available in the US

Common Name	Harmonious Tariff System Number	Base Weight	Nominal Thickness (inches)	Temper Designation	Formal Name and ASTM designation	Width (inches)	End Use	Comments
Black Plate	7209.18.2500	60	.0066	Single Reduced, T-1 to T-5	Tin Mill Black Plate: A 623-00 & A 625-98	Any	Engine Gaskets	We have given inquiries to all the domestic mills and none can provide this material
Black Plate	7209.18.2500	65	.0072	Single Reduced, T-1 to T-5	Tin Mill Black Plate: A 623-00 & A 625-98	Any	Engine Gaskets, Pencil Ferrules, etc.	We have given inquiries to all the domestic mills and none can provide this material
Black Plate	7209.18.2500	70 to 128	.0077 to .0141	Single Reduced, T-1 to T-5	Tin Mill Black Plate: A 623-00 & A 625-98	wider than 40"	Engine Gaskets, Radiator Fins, other	We have given inquiries to all the domestic mills and none can provide this material
Tin Plate	7210.12.0000	60	.0066	Single Reduced, T-1 to T-5	Electrolytic Tin Plate: A 623-00 & A 624-98	Any	Engine Gaskets, other	We have given inquiries to all the domestic mills and none can provide this material
Tin Plate	7210.12.0000	65	.0072	Single Reduced, T-1 to T-5	Electrolytic Tin Plate: A 623-00 & A 624-98	Any	Engine Gaskets, cell phone shields, other	We have given inquiries to all the domestic mills and none can provide this material
Tin Plate	7210.12.0000	70 to 135	.0077 to .0149	Single Reduced, T-1 to T-5	Electrolytic Tin Plate: A 623-00 & A 624-98	wider than 38"	Engine Gaskets, other	We have given inquiries to all the domestic mills and none will provide this material. One mill is "listed" as capable to 40" but is not interested in the business as trial orders failed to make the parts.
Tin Free Steel (TFS)	7210.50.3000	70 to 180	.0077 to .020	Single Reduced, T-1 to T-5	Electrolytic Chromium-Coated Black Plate: A 623-00 & A 657-98	wider than 38"	Engine Gaskets, Bakeware, other	We have given inquiries to all the domestic mills and none can provide this material



AFFIDAVIT

City of Hammond) )  
State of Indiana) S.S.

I, Roy Berlin, President of Berlin Metals LLC, a steel service center, established in 1967 and located in Hammond, Indiana with an additional processing facility in Salt Lake City, Utah, do hereby attest that the following is a true and accurate explanation of why it is important that our company's ability to continue to buy certain wider width coils from overseas steel mills not be limited by any Section 201 or anti dumping actions.

Our company purchases large quantities of low carbon, flat rolled steel coils from high quality steel mills in the US and overseas. More specifically, the majority of our purchases fall within the product group called "Tin Mill Products" (TMP) which consists of Electrolytic Tin Plate (ETP) and Tin Mill Black Plate (TMBP). TMBP is essentially light gauge (less than .015" thick) Cold Rolled and for the purposes of import/export tariff classification, TMBP is grouped with Cold Rolled Steel.

We take these steel coils and, following our customers' specific requirements, cut them into narrower coils with a tolerance of less than .005" (5 thousandths of an inch). Our customers are manufacturers in the automotive, computer, telecommunication, hardware and packaging industries. They use our steel in a stamping, draw forming or roll forming operation to produce a diverse number of products such as engine gaskets, oil filters, radiator fins, paint trays and telephone cable. Our customers include such companies as Federal Mogul, Dana Corporation and Arvin Meritor.

Our customers' specifications require the steel to be a very specific combination of thickness, hardness, coating, finish and width. When we buy steel coils from overseas, it is usually because the material is not available in the US. Much of this lack of availability in the US relates to the width.

For ETP, no mill in the US, except one, has the ability to make anything wider than 37 1/2 inches, due to the physical limit of their tin plating lines. Mills in France, Germany, Holland, England and Korea have the physical ability to produce ETP as wide as 48". The one US mill that can produce wider than 37 1/2" can go to 39", but the ETP they supply has failed to make our customers parts where deep drawing is required. As a result, this mill will not accept an order for this drawn application.



For TMBP with a Rockwell hardness maximum of 61 or less on the 30T scale (Temper "T-1", "T-2" and "T-3"), US mills cannot produce material wider than 40", due to the operational limits on their Temper rolling mill with this thinner material. For TMBP with a Rockwell hardness minimum of 57 or greater on the 30T scale (Temper "T-4 and "T-5"), US mills cannot produce material wider than 37-38" due to the physical limits on their continuous annealing lines. The same overseas mills mentioned above are able to physically produce material up to 48" wide.

The reason these wider widths are necessary is because many of our customers stamp parts requiring coil widths of 18 1/2" to 23 3/4". The US mills have said that they will not accept orders for material that is this narrow as it gives uneven wear to their rolls and is extremely inefficient for their production. Nor, as is explained above, can they physically make material that is 2 times these widths. We order the coils from the overseas mills mentioned above who are able to produce coils that are 2 times the width our customers require. We then slit these wider coils into half, providing the exact widths specified by our customers.

It is imperative that these wider widths be exempted from any limiting action, whether it be 201 or anti-dumping. We would not have material to be able to supply to our customers who then would face the choice of either losing the business to overseas manufacturers of these parts or moving their own manufacturing of these parts to their own overseas facilities. In either case, there would be harm to our company and to other employees in the US who work in manufacturing.

A handwritten signature in black ink, appearing to read "Roy Berlin", written over a horizontal line.

Roy Berlin

Subscribed and sworn to before me this 25<sup>th</sup> day of October, 2001.

A handwritten signature in black ink, appearing to read "Phyllis Brunsting", written over a horizontal line.

Notary Public



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January 4, 2002

Ms. Gloria Blue  
Executive Secretary  
Trade Policy Staff Committee  
Office of the USTR  
600 17<sup>th</sup> Street, NW  
Washington, DC 20508

**VIA ELECTRONIC MAIL**  
fr0001@ustr.gov

**PUBLIC DOCUMENT**

Re: Written Comments Filed On Behalf of Dana Corporation Concerning What Action the President Should Take Under Section 203(a) of the Trade Act Regarding Imports of Certain Steel (TA-201-73)

Dear Ms. Blue:

This submission is filed on behalf of the Victor Reinz Division of Dana Corporation ("Dana") pursuant to the Federal Register notice entitled Trade Policy Staff Committee: Public Comments on the Potential Action Under Section 203 of the Trade Act of 1974 With Regard to Imports of Certain Steel, 66 Fed. Reg. 54321 (October 26, 2001), and its amendments found at 66 Fed. Reg. 59599 (November 29, 2001) and 66 Fed. Reg. 67349 (December 28, 2001). In specific, Dana believes that the President should take no action under § 203(a) of the Trade Act as it applies to imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches.

Dana produces gaskets for major automotive original equipment manufacturers. These gaskets are produced from stampings in widths ranging from 18.500 inches to 23.750 inches (plus relevant tolerances). However, mills will not produce strips of this material in widths as narrow as those used to make the stampings. Therefore, Dana has been forced to purchase material that is

double the width of the gaskets and have the material slit to the appropriate width. Therefore, Dana purchases tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches.

Dana believes that the President should impose no remedy against imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches for two related reasons. First, Dana has not been able to source the vast majority of this material in the United States. There are very few mills in the United States that have the capability of producing electrolytic tin plate to a width of 37.5 inches. It is unclear that those few mills that can produce any of this material are able to produce the material to Dana's requirements and standards. Similarly, for the majority of Dana's use of tin mill black plate, the maximum widths available from United States mills will not allow Dana to produce its customers' gaskets in a cost-effective manner. Please see the submission of Berlin Metals LLC setting forth the extremely limited sourcing options for any of this material.

Further, Dana believes that the President should impose no remedy on this product because the finished product made from these tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width greater than 37.5 inches, plus or minus tolerances of 0.005 inches is Dana's sole option by which to produce merchandise in a commercially feasible manner. Dana is a major supplier to the large automotive manufacturers, and to severely disrupt the supply of this material where there either are extremely limited or no alternative domestic sourcing options simply puts end users and manufacturers using this material at risk of harm without assisting the United States steel industry. If the supply of this material were disrupted for a significant period of time, Dana would be unable to produce the gasket stampings made with this merchandise, and all of the major United States automobile manufacturers would have their production severely disrupted. The ripple effect of such action could affect multiple facilities and hundreds or thousands of American workers.

Third, Dana notes that there is no available substitute for the use of these coils in the required configuration. The tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width greater than 37.5 inches, plus or minus tolerances of 0.005 inches, as mentioned above, represent Dana's sole option by which to produce merchandise in a commercially feasible manner. There is simply no merchandise Dana could substitute that could be used as an alternative to this material. This lack of any viable substitute is a condition of competition in the United States and global steel industries which severely limits Dana's sourcing options for this material.

Finally, the domestic industry has advocated creating a "short supply" system as an alternative to granting exclusions from the scope of the case, or requesting that the President impose no remedy on certain products. This suggestion does not replace the need for exclusions or not imposing remedies. First, the business uncertainty of applying a short-supply system to imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches would severely disrupt Dana's ability to plan its business activities. In effect, this would be inequitably

imposing another burden on a company that is largely unable to purchase the material in question in the United States. Therefore, Dana requests that if no exclusion from the scope of this § 201 case is granted for the merchandise in question, a "short supply" mechanism not be utilized in lieu of recommending that the President impose no remedy on imports of this merchandise.

Thank you for your attention to this matter. Please feel free to contact us if you have any questions regarding this matter.

Very truly yours,

**BARNES, RICHARDSON & COLBURN**

By: *Kazumune V. Kano/DG7*

Kazumune V. Kano  
David G. Forgue

DAN 137  
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January 4, 2002

Ms. Gloria Blue  
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Washington, DC 20508

**VIA ELECTRONIC MAIL**  
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**PUBLIC DOCUMENT**

Re: Written Comments Filed On Behalf of Dana Corporation Concerning What Action the President Should Take Under Section 203(a) of the Trade Act Regarding Imports of Certain Steel (TA-201-73)

Dear Ms. Blue:

This submission is filed on behalf of the Victor Reinz Division of Dana Corporation ("Dana") pursuant to the Federal Register notice entitled Trade Policy Staff Committee: Public Comments on the Potential Action Under Section 203 of the Trade Act of 1974 With Regard to Imports of Certain Steel, 66 Fed. Reg. 54321 (October 26, 2001), and its amendments found at 66 Fed. Reg. 59599 (November 29, 2001) and 66 Fed. Reg. 67349 (December 28, 2001). In specific, Dana believes that the President should take no action under § 203(a) of the Trade Act as it applies to imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate over particular widths. In specific, Dana seeks to have no remedy imposed on imports of tin plate meeting all of the elements of the definition above, but with a width greater than 38.875 inches, plus or minus tolerances of 0.005 inches. In addition, Dana seeks to have no remedy imposed on imports of black plate meeting all of the elements of the definition above, but with a width greater than 42.000 inches, plus or minus tolerances of 0.005 inches.

Dana produces gaskets for major automotive original equipment manufacturers. These gaskets are produced from stampings in widths ranging from 18.500 inches to 23.750 inches (plus relevant tolerances). However, mills will not produce strips of this material in widths as narrow as those used to make the stampings. Therefore, Dana has been forced to purchase material that is double the width of the gaskets and have the material slit to the appropriate width. Therefore, Dana purchases tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate with a width of 37.5 inches or greater, plus or minus tolerances of 0.005 inches.

Dana believes that the President should impose no remedy against imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate in the width ranges set forth above. First, Dana is not been able to source this material in the United States. As discussed in the submission made by Berlin Metals LLC regarding the availability of wide width tin plate and black plate, domestic producers of tin mill products are not able to produce the material subject to this request. Therefore, no portion of the United States industry would be protected if a remedy were imposed on these imports. This is true for both tin plate and black plate materials.

Further, Dana believes that the President should impose no remedy on this product because the finished product made from these tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate within the width ranges discussed above is Dana's sole option by which to produce merchandise in a commercially feasible manner. Dana is a major supplier to the large automotive manufacturers, and to severely disrupt the supply of this material where there either are no alternative domestic sourcing options simply puts end users and manufacturers using this material at risk of harm without assisting the United States steel industry. If the supply of this material were disrupted for a significant period of time, Dana would be unable to produce the gasket stampings made with this merchandise, and all of the major United States automobile manufacturers would have *their* production severely disrupted. The ripple effect of such action could affect multiple facilities and hundreds or thousands of American workers.

Third, Dana notes that there is no available substitute for the use of these coils in the required configuration. The tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate within the width ranges discussed above represent Dana's sole option by which to produce merchandise in a commercially feasible manner. There is simply no merchandise Dana could substitute that could be used as an alternative to this material. This lack of any viable substitute is a condition of competition in the United States and global steel industries which severely limits Dana's sourcing options for this material.

Finally, the domestic industry has advocated creating a "short supply" system as an alternative to granting exclusions from the scope of the case, or requesting that the President impose no remedy on certain products. This suggestion does not replace the need for exclusions or not imposing remedies. First, the business uncertainty of applying a short-supply system to imports of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate within the width ranges discussed above would severely disrupt Dana's ability to plan its business activities. In effect, this would be inequitably imposing another burden on a company that is unable to purchase the material in question in the United States. Therefore, Dana requests that

if no exclusion from the scope of this § 201 case is granted for the merchandise in question, a "short supply" mechanism not be utilized in lieu of recommending that the President impose no remedy on imports of this merchandise.

Thank you for your attention to this matter. Please feel free to contact us if you have any questions regarding this matter.

Very truly yours,

**BARNES, RICHARDSON & COLBURN**

By: *Kazumune V. Kano/dg7*

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February 1, 2002

**PUBLIC VERSION**

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600 Seventeenth Street, N.W.  
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VIA ELECTRONIC MAIL

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**PUBLIC VERSION**

Re: Written Comments Filed on Behalf of Dana Corporation in Response to Domestic Parties Comments dated January 18, 2002 Concerning What Action the President Should Take Under Section 203(a) of the Trade Act Regarding Imports of Certain Steel (TA-201-73)

Dear Ms. Blue:

This submission is filed on behalf of Dana Corporation pursuant to the Federal Register Notice entitled Trade Policy Staff Committee; Public Comments on the Potential action Under Section 203 of the Trade Act of 1974 With Regard to Imports of Certain Steel, 66 Fed. Reg. 54321 (October 26, 2001), modified at 66 Fed. Reg. 59599 (November 29, 2001), and 66 Fed. Reg. 67349 (December 28, 2001). Specifically, Dana wishes to respond to certain domestic producer's objection to the exclusion of Dana's product Hot Rolled Steel Coils as well as other products to which no domestic producers have commented in Domestic Producers submission of January 18, 2002.<sup>1</sup>

Pursuant to 15 CFR 2003.6, Dana requests that certain information contained in this submission be treated as business confidential and not disclosed to the public. The specified information constitutes trade secrets, and commercial and financial information the disclosure of which is not authorized by Dana. In addition, in some instances, the information is confidential in the original document cited by Dana, and the confidentiality claim herein is derived entirely

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<sup>1</sup> Dana will not be commenting on those products for which it requested exclusion and to which the Domestic Producers have specifically stated that they do not object to the exclusion, provided U.S. suppliers cannot produce them. These products include Cold-Rolled Carbon Steel Strip with Aluminum Cladding on Each Side (X-104.ex1), ASTM A 463 DDS-Aluminized Steel (X-104.ex2 & X-067), and Aluminum Clad Steel Strip in Coils (X-104.ex3 & X-107).

## **PUBLIC VERSION**

from that of the original submitting party. In those cases, Dana is unable to include the bracketed material in the confidential version of its submission, since Dana does not have access to the original confidential version.

### **I. PRODUCTS**

#### **A. Hot-Rolled Steel Coils (recorded as X-104-ex.4)**

On November 13, 2001, Dana filed a request with the USTR to exclude hot rolled roils with a width of 76.500 inches, plus or minus tolerances of +0.250/-0.000, from these Section 201 proceedings (recorded as X-104-ex4). On November 27, 2001 and January 4, 2002, Dana filed additional responses requesting this merchandise to be excluded from relief under §203 (ER-023) or that no remedy be imposed. Dana explained in these previous submissions that it had no viable domestic sourcing option for this merchandise, and therefore, exclusion of the merchandise from the scope of this case was appropriate. Dana also provided evidence in its previous submissions that all domestic producers believed capable of making this material were unable and/or unwilling to meet Dana's order for the material. Finally, Dana requested that in the event the product is not excluded from the scope of this case, the President take no action against imports of hot rolled coils with a width of 76.500 inches or greater.

In response to the latest comments submitted by the a group of major United States producers of steel on January 18, 2002, Dana hereby reiterates its request for the exclusion or no remedy of this product. Despite the clear and convincing evidence which Dana previously submitted, the domestic producers have objected to the exclusion of the product on the basis that it can be produced by LTV and National Steel Corporation ("NSC").

As stated in our submission of January 4, 2002, we believe the basis for the objection to the exclusion of these hot rolled steel coils to be invalid. First, [ ] is in bankruptcy proceedings and will have to shutdown and sell all integrated steel assets pursuant to an order issued by the U.S. Bankruptcy Court on December 7, 2001. Therefore, [ ] can no longer be considered a viable United States source that markets this steel meeting the definition above.

Even assuming that [ ] was able to stay in operation, neither [ ] nor [ ] appear to be a viable source of this product for Dana. Please find the attached Exhibit 1, in which we are resubmitting copies of correspondence received from [ ] and [ ] concerning Dana's requests to produce the material. Both companies responded to the requests by stating that [ ]. These statements are contrary to the assertions in the Domestic Industry Response submitted to the USTR on January 18, 2002, and show that [ ].

Again, Dana fully supports the position of the domestic industry position that "if the domestic industry cannot produce a particular product, such product can properly be excluded from the scope since applying a remedy to such an item would not address the injury sustained nor facilitate the industry." This rationale applies equally well in the context of the remedy the President should impose on a product. However, Dana strongly opposes the notion that remedies should be applied in cases where the domestic industry is technically capable to producing a product, but for a variety of reasons chooses not to produce the product.

To extend remedies to include this situation would only injure a major domestic automotive component manufacturer which employees tens of thousands of American workers and provide absolutely no benefit to the domestic steel industry as well as other United States steel consumers.

Dana has vigorously attempted to procure domestic production of this product from several domestic producers, and would purchase such steel from domestic purchasers if it were available. Because the domestic steel industry has clearly indicated to Dana that they cannot or will not provide the material, Dana again respectfully requests that these hot rolled steel coil products with a width of 76.500 inches or greater, plus or minus tolerances of +0.250/-0.000, be excluded from remedy or that the President take no action against these imports.

#### **B. Various Tin Mill Products Meeting ASTM standard A623-00**

On January 4, 2002, Dana submitted to the USTR comments regarding what actions the President should take under Section 203(a), in which it requested that no remedy be applied to the imports of three specific tin mill products. Because no domestic industry has specifically commented on these requests, Dana hereby resubmits its request with regard to these products.

Specifically, Dana requests that no remedy be imposed on tin mill products which meet ASTM standard A623-00, including electrolytic tin plate and tin mill black plate. The three products all meet these elements, and are more specifically described as follows:

1. ASTM A623-00, including electrolytic tin plate and tin mills black plate with a width greater than 37.5 inches (plus or minus 0.005 inches);
2. ASTM A-623-00, including electrolytic tin plate with a width greater than 38.875 inches (plus or minus 0.005 inches); and
3. ASTM 623-00 including tin mill black plate with a width greater than 42.00 inches (plus or minus 0.005 inches)

Dana uses these materials for the production of gaskets for major automotive equipment manufacturers. These gaskets are produced from stamping in widths ranging from 18.500 inches to 23.750 inches (plus relevant tolerances). However, mills will not produce strips of this material in widths as narrow as those used to make the stampings, thereby forcing Dana to purchase material that is double the width of the gaskets and have the material slit to the appropriate width.

Dana believes that the President should impose no remedy against importers of tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate in the width ranges set forth above. First, Dana has not been able to source this material in the United States. As stated in the submission made by Berlin Metals LLC regarding the availability of wide width tin plate and black plate, domestic producers of tin mill products are not able to produce the material subject to this request. Therefore, no portion of the United States industry would be protected in a remedy were to be imposed on these imports. This is true for both tin plate and black plate materials.

There is no available substitute for the use of these coils in the required configuration. The tin mill products, meeting ASTM standard A623-00, including electrolytic tin plate and tin mill black plate in the width ranges discussed above, represent Dana's sole option by which to produce merchandise in a commercially feasible manner. There is no merchandise which Dana could substitute that could be used as an alternative to this material. This lack of any viable substitute is a condition of competition and global steel industries which severely limits Dana's sourcing options for this material.

Finally, it should be noted that while the domestic industry has not commented on Dana's requests to seek no remedy for these tin mill products, these products are of equivalent chemistry and gauge as a tin mill product submitted for exclusion by Collier Shannon Scott on behalf of Maui Pineapple Company on November 13, 2001. Both the Domestic Producers submission of January 18, 2002 and the Minmill Coalition submission of January 21, 2002 have stated that there are no objections to the exclusion of Maui Pineapple's products from any remedy imposed provided that no U.S. supplier could produce it.

Dana reiterates its position that no remedy is appropriate for this material for two related reasons. First, Dana has not been able to source this material in the United States, and is of the belief that no domestic mill manufactures this material. While there are mills in the United States which produce tin mill products meeting ASTM standard A623-00, there are none to Dana's knowledge which do, or will produce this steel in the required width. Therefore, there is no amount of increased duty, tariff-rate quota, or quantitative restriction which would prevent or remedy any harm or threat of harm to domestic producers.

**C. SAE 1050, SAE 1038, SAE 1541 hot-rolled special bar quality steel produced by basic oxygen furnace method from Canada**

The last Dana product for which the domestic industry has not commented is hot rolled special bar quality steel produced by a basic oxygen blast furnace ("BOF") method in Canada meeting the requirements of SAE 1050M, SAE 1038, or SAE 1541. Dana has requested that the President not impose any remedy on this product in its submission to the USTR of January 4, 2002. Because no domestic industry has specifically commented on these requests, Dana hereby resubmits its request with regard to these products.

As explained in Dana's previous submission, BOF operations are relatively rare in the steel industry. They are used because they help ensure that the amount of residual elements in the steel produced by BOF technology is very low. This cleaner steel is vital in the production of motor vehicle axles, since residual impurities could easily cause catastrophic failure in the axle. Since public safety is of utmost concern to Dana, non-BOF produced steel is not material that Dana may substitute for BOF-produced steel.

It is important to note that BOF operations are relatively rare, and that it does not appear as if Dana will have the option of purchasing this material from a United States manufacturer. To the best of Dana's knowledge, there are only two domestic mills that have BOF operating capacity. Dana understands that one domestic producer has idled the facility that is capable of producing this material and the other has filed for bankruptcy and is in the process of shutting down and selling its integrated steel assets. Even if the BOF capacity of the remaining manufacturer were brought back into production, it is by no means clear that the plant would choose to manufacture SAE 1050M, SAE 1038, or SAE 1541 hot rolled special bar quality steel. Therefore, there is a very real possibility of having additional protection granted the domestic steel industry for a product used by Dana, but not produced in the United States.

As stated, Dana's main concern regarding this material is to ensure that it has a dependable source for the material to ensure a safe and reliable product to sell to its customers. There is no increased duty, tariff-rate quota, or quantitative restriction that would prevent or remedy any harm or threat of harm to United States producers if the United States are unable to provide a reliable supply. Therefore, Dana requests that the President not impose any remedy from imports of SAE 1050M, SAE 1038, or SAE 1541 hot rolled special bar quality steel produced by a basic oxygen blast furnace method in Canada.

## **II. CONCLUSION**

It must be stressed that Dana has demonstrated a strong commitment to the United States steel industry. Dana has attempted to procure domestic production of all products contained in this submission, only to find that no viable sources exist. Without any indication that the United States steel industry is able or willing to produce the products in question, no remedies provide any assistance to domestic producers. Dana again respectfully requests that the above referenced products be excluded from the scope of the 201 proceedings or that the President apply no remedy to these specific products.

Thank you for your attention to this matter. Please feel free to contact us if you have any questions regarding this matter.

Very truly yours,

**BARNES, RICHARDSON & COLBURN**

By: *Kazumune V. Kano/DG7*

Kazumune V. Kano

David G. Forgue

William J. Murphy

Attachment

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EXHIBIT ONE<sup>1</sup>

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<sup>1</sup> This exhibit reflects confidential business communication and is confidential in its entirety.

**PUBLIC VERSION**

**CANNOT BE PUBLICLY SUMMARIZED**